SECURITY COUNCIL

OFFICIAL RECORDS

FIFTY-SECOND YEAR

SUPPLEMENT FOR APRIL, MAY AND JUNE 1997

UNITED NATIONS

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NOTE

Documents of the Security Council (symbol S/...) are normally published in quarterly supplements of the *Official Records of the Security Council*. The date of the document indicates the supplement in which it appears or in which information about it is given.

The resolutions of the Security Council, numbered in accordance with a system adopted in 1964, are published in yearly volumes of *Resolutions and Decisions of the Security Council*. This system, which has been applied retroactively to resolutions adopted before 1 January 1965, became fully operative on that date.

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CHECKLIST OF SECURITY COUNCIL DOCUMENTS ISSUED DURING THE PERIOD 1 APRIL–30 JUNE 1997

NOTE The documents listed in bold type are printed in the present supplement. The other documents may be consulted in the Dag Hammarskjöld Library, other United Nations depository libraries or through the Official Document System. The letters in the subject index column correspond to those in the index on the page following the list and indicate the subject-matter of the documents to which they refer.

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S/1997/405	28 May 1997	a	France, Germany, Italy, Japan, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution	Adopted without change, see resolution 1110 (1997)	
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S/1997/450	12 June 1997	b	Letter dated 12 June 1997 from the President of the Security Council to the Secretary-General	See *Resolutions and Decisions of the Security Council, 1997*	
S/1997/451	12 June 1997		Note by the President of the Security Council concerning Security Council working methods and procedure	*Ibid.*	
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S/1997/455	**13 June 1997**	**m**	**Letter dated 9 June 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (*b*) (i) of Security Council resolution 687 (1991) to the President of the Security Council**		**96**
S/1997/456	**13 June 1997**	**m**	**Letter dated 13 June 1997 from the representative of Iraq to the President of the Security Council**		**98**
S/1997/457	13 June 1997	m	*Idem*		99
S/1997/458	13 June 1997	m	**Letter dated 11 June 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (*b*) (i) of Security Council resolution 687 (1991) to the President of the Security Council**		99
S/1997/459	13 June 1997		Letter dated 13 June 1997 from the representative of the Republic of the Congo to the President of the Security Council transmitting the text of a press release concerning events in Brazzaville		
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S/1997/461	16 June 1997	s	Identical letters dated 14 June 1997 from the representative of Iraq to the Secretary-General and to the President of the Security Council		
S/1997/462	**16 June 1997**	**m**	**Letter dated 14 June 1997 from the representative of Iraq to the President of the Security Council**		**102**
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S/1997/466	17 June 1997	a	Letter dated 11 June 1997 from the Secretary-General to the President of the Security Council		
S/1997/467	17 June 1997	a	Letter dated 17 June 1997 from the President of the Security Council to the Secretary-General	See *Resolutions and Decisions of the Security Council, 1997*	
S/1997/468	**16 June 1997**	**l**	**Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina (UNMIBH)**		**107**
S/1997/469	17 June 1997		Letter dated 17 June 1997 from the representative of the Islamic Republic of Iran to the Secretary-General concerning the situation between the Islamic Republic of Iran and Iraq		
S/1997/470	18 June 1997	k	Letter dated 17 June 1997 from the representative of Turkey to the Secretary-General	Circulated under the double symbol A/51/926-S/1997/470	
S/1997/471	**18 June 1997**	**a, l, n, o**	**Letter dated 17 June 1997 from the representative of Denmark to the Secretary-General**		**112**
S/1997/472	19 June 1997	o	Albania, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, Netherlands, Poland, Portugal, Republic of Korea, Romania, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution	Adopted without change; see resolution 1114 (1997)	

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S/1997/476	19 June 1997	k	Letter dated 19 June 1997 from the representative of Cyprus to the Secretary-General	Circulated under the double symbol A/51/928-S/1997/476	
S/1997/477	19 June 1997	u	Letter dated 18 June 1997 from the representative of the United Arab Emirates to the Secretary-General	Circulated under the double symbol A/52/186-S/1997/477	
S/1997/478	**19 June 1997**	**r**	**Twenty-third progress report of the Secretary-General on the United Nations Observer Mission in Liberia (UNOMIL)**		115
S/1997/479	21 June 1997	m	Chile, Costa Rica, Japan, Poland, Portugal, Republic of Korea, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution	Adopted without change; see resolution 1115 (1997)	
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S/1997/481	**20 June 1997**	**m**	**Letter dated 20 June 1997 from the representative of Iraq to the President of the Security Council**		123
S/1997/482	16 June 1997	i	Report of the Secretary-General		123
S/1997/483	**20 June 1997**	**w**	**Letter dated 20 June 1997 from the Secretary-General to the President of the Security Council**		127
S/1997/484	20 June 1997	w	*Idem*		
S/1997/485	20 June 1997	m	Letter dated 19 June 1997 from the representative of Iraq to the Secretary-General		
S/1997/486	21 June 1997	w	Letter dated 21 June 1997 from the representative of the Congo to the President of the Security Council		
S/1997/487	**23 June 1997**	**n**	**Report of the Secretary-General on the situation in Croatia**		127
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S/1997/490	24 June 1997	k	*Idem*	Circulated under the double symbol A/51/932-S/1997/490	
S/1997/491	25 June 1997	k	Letter dated 25 June 1997 from the representative of Turkey to the Secretary-General	Circulated under the double symbol A/51/934-S/1997/491	
S/1997/492	26 June 1997	k	Draft resolution	Adopted without change; see resolution 1117 (1997)	
S/1997/493	26 June 1997	r	*Idem*	Adopted without change; see resolution 1116 (1997)	
S/1997/494	**26 June 1997**	**g**	**Report of the Secretary-General submitted in accordance with General Assembly resolution ES-10/2**		136

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S/1997/406	27 June 1997	n	Letter dated 27 June 1997 from the representative of Croatia to the President of the Security Council		
S/1997/407	27 June 1997	h	Letter dated 26 June 1997 from the observers of the League of Arab States and of the Organization of African Unity to the President of the Security Council		
S/1997/408	30 June 1997	p	Draft resolution	Adopted without change; see resolution 1118 (1997)	
S/1997/409	**27 June 1997**	**s**	**Letter dated 27 June 1997 from the representative of Nigeria to the President of the Security Council**		**144**
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to matters discussed by the Security Council or brought before it during the period covered by the present supplement

a The situation in the former Yugoslav Republic of Macedonia

b The situation in Georgia

c The situation in Tajikistan and along the Tajik-Afghan border

d The situation in the Great Lakes region

e The situation relating to Nagorny Karabakh

f Communications concerning Eritrea and the Sudan

g The situation in the occupied Arab territories

h Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America

i The situation in Afghanistan

j The situation in the Middle East

k The situation in Cyprus

l The situation in Bosnia and Herzegovina

m The situation between Iraq and Kuwait

n The situation in Croatia

o The situation in Albania

p The situation in Angola

q The situation in Cambodia

r The situation in Liberia

s Communications concerning Iraq and Turkey

t The situation in Burundi

u Communications concerning the Islamic Republic of Iran and the United Arab Emirates

v The situation in Sierra Leone

w The situation in the Republic of the Congo

DOCUMENT S/1997/267

Letter dated 1 April 1997 from the representative of the former Yugoslav Republic of Macedonia to the Secretary-General

[Original: English]
[1 April 1997]

Please find enclosed the letter dated 1 April 1997 from Ljubomir Frckoski, Minister for Foreign Affairs of the Republic of Macedonia, concerning the United Nations Preventive Deployment Force (UNPREDEP) mission in the Republic of Macedonia.

I should be grateful if the text of the present letter and its annex could be issued as a document of the Security Council.

(*Signed*) Naste CALOVSKI
Ambassador

ANNEX

Letter dated 1 April 1997 from the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia to the Secretary-General

Allow me to take this opportunity to express my deep respect to you, and in regard to your forthcoming report to the Security Council on the mandate of the United Nations Preventive Deployment Force (UNPREDEP) mission in the Republic of Macedonia, I would like to propose its extension in its full composition of 1,050 troops. Although Security Council resolution 1082 (1996) envisaged troop reduction, which may be understood as a reflection of an easing of tensions in this region before the adoption of the said resolution, the newly arisen circumstances in the region I already informed you about in my letter dated 7 March 1997 [*S/1997/205, annex*] have further worsened the situation. We are of the opinion that the current situation, burdened with the previously unresolved problems, has brought about the need to extend the existing mandate for the UNPREDEP mission in its unreduced composition for another six-month period.

In that context, I would like to point out that the ongoing events in the Republic of Albania caused by the bankruptcy of the "pyramid investment schemes" have resulted in the dissolution of the key security elements of the State: the army and the police. The blockade of the essential economic activities, engendering especially problems with the food supply, were the reason the international community undertook activities to overcome the situation. The Republic of Macedonia has also been involved in providing basic food necessities. Regardless of this aid, more and more often there are cases of various armed gangs trespassing into the territory of the Republic of Macedonia. Thus, the problems of 1991/92 are being repeated, when, apart from the large number of border incidents, there were trespassers and armed robberies of Macedonian property. In such conditions, the presence of an objective foreign entity such as UNPREDEP would be of great importance, constituting a factor of credibility which would be able to verify or clarify eventual problems.

These current events are contributing to the still vulnerable security situation in the region, which could easily result in their interconnection and spillover. In this context, I would like to outline briefly the other factors which, especially during the period from November 1996 to February 1997, have complicated the overall political and security situation in the region and have had direct implications for the Republic of Macedonia:

— Although the implementation of the Dayton Peace Accords is in its advanced phase, the situation in Bosnia and Herzegovina remains fragile and complex, and requires the presence of military and civil structures, while the negative impact of the refugee problem and the changed ethnic structure continues to hinder the basic lines of communication and cooperation in the region, with a possibility that the crisis may spill over into the southern part of the region;

— Political unrest in the Federal Republic of Yugoslavia caused by the controversies regarding the recognition of the victory of the opposition in the local elections is further complicating the security situation in the region. In this framework, I would like to draw your attention in particular to the complexity of the situation in Kosovo. The long-term character of the Kosovo crisis in our immediate neighbourhood and the appearance of regular terrorist acts, whose victims are both Albanians and Serbs, especially in the light of the latest events in the Federal Republic of Yugoslavia, are of special concern, as they constitute a permanent latent threat to peace and stability in the Republic of Macedonia and a potential source of escalation of inter-ethnic tensions in this part of the region. We agree with the increasingly wide support to the proposals submitted, especially those of Mrs. Rehn, and the necessity of a United Nations presence in Kosovo. The UNPREDEP presence in that context, especially before the implementation of the above-mentioned proposals, continues to be one of the key stabilizing factors in the region;

— The lifting of the arms embargo under Security Council resolution 1021 (1995) of 22 November 1995 did not itself bring about the necessary military effectiveness of the Macedonian army. Taking into consideration the modest financial capabilities of the State, in this short period it has been impossible to supply the appropriate equipment and arms for the armed forces of the Republic of Macedonia at a level that would provide for an appropriate initial reaction or a possible urgent military action;

— The process of demarcation of the border with the Federal Republic of Yugoslavia, through the Joint Commission of the Republic of Macedonia and the Federal Republic of Yugoslavia is, to our regret, progressing at a slow pace. In spite of the publicly declared readiness to find acceptable modes for both countries, there has hitherto not been any breakthrough in the practical resolution of the issue.

I hope that you will bear in mind the aforementioned facts in support of extending the existing mandate and composition of UNPREDEP for the forthcoming six-month period when preparing the report to the Security Council, and that you will recommend another extension of the presence of the mission. Furthermore, with regard to the reconstitution of the military component of UNPREDEP, our assessment is that the newly arisen situation in the region still requires the presence of 1,050 troops, with the aim of successfully carrying out the obligations which result from the mandate with which the mission has been entrusted.

Considering the financial implications of reducing the mandate of UNPREDEP, I believe that by reducing the civil component of the mission you would achieve the desired effects, and this would especially correspond with the fact that there are already several existing United Nations agencies in the Republic of Macedonia while the establishment of the Office of the United Nations Development Programme (UNDP) is also under way.

We would highly appreciate it if the text of the present letter could be made available to the members of the Security Council.

(*Signed*) Ljubomir FRCKOSKI

DOCUMENT S/1997/268

Letter dated 1 April 1997 from the representative of the Russian Federation to the Secretary-General

[Original: Russian]
[1 April 1997]

As the representative of the State presiding over the statutory bodies of the Commonwealth of Independent States (CIS), I have the honour to transmit herewith the texts of instruments adopted by the CIS Council of Heads of State in Moscow on 28 March 1997:

—Decision to expand the peacekeeping operation in the conflict zone in Abkhazia, Georgia (annex I);

—"On progress towards a settlement of the conflict in Abkhazia, Georgia" (annex II);

—Decision to extend the length of stay of the Collective Peacekeeping Forces in the Republic of Tajikistan (annex III);

—Joint statement on Tajikistan issued by the CIS Council of Heads of State (annex IV).

I should be grateful if you would have the text of this letter and its annexes circulated as a document of the Security Council.

(Signed) S. LAVROV
Permanent Representative
of the Russian Federation
to the United Nations

ANNEX I

Decision to expand the peacekeeping operation in the conflict zone in Abkhazia, Georgia

The Council of Heads of State of the Commonwealth of Independent States,

Noting the important role of the Collective Peacekeeping Forces (CPF) in the conflict zone and of the United Nations Observer Mission in Georgia (UNOMIG) in stabilizing the situation, creating conditions to ensure the safety of refugees and contributing to a speedy settlement of the conflict,

Has decided:

1. To extend, at the request of the parties, the length of stay of the Collective Peacekeeping Forces in the conflict zone in Abkhazia, Georgia, to 31 July 1997 or until one of the parties to the conflict expresses its wish to terminate the operation;

2. With a view to the further expansion of the peacekeeping operation, the fullest implementation of the tasks arising from the CPF mandate and the additional provisions to it, contained in the decision adopted by the CIS Heads of State on 17 October 1996 concerning the creation of conditions to ensure the safety of refugees in Gali district (within the old borders), to consider it necessary to expand the security zone as provided for in the Agreement on a Ceasefire and Separation of Forces of 14 May 1994.

To instruct the CPF command, in cooperation with the parties, to prepare, within one month, a plan for redeploying the Collective Peacekeeping Forces, and other measures relating to the organized return of refugees and displaced persons to that district;

3. To instruct the CPF command to take steps, in accordance with the plan, to improve the system of administering the Collective Peacekeeping Forces in the conflict zone, bring the Unified Headquarters closer to areas in which CPF units are deployed and improve coordination of the work of their staffs;

4. To approve the Russian Federation's proposals on the strengthening of CPF personnel by replacing a number of units currently in use by units that have been specially trained for peacekeeping activities;

5. To instruct the Council of Ministers of Defence of the States members of the Commonwealth to find ways of enabling specialists from CIS member States serving in the Collective Peacekeeping Forces to designate and clear minefields in Abkhazia, Georgia;

6. To instruct the Council of Ministers for Foreign Affairs of the CIS member States and the Council of Ministers of Defence of the States members of the Commonwealth, together with interested parties, to make the necessary amendments to the CPF mandate, bearing in mind the change in the situation in the conflict zone, and to submit them in due course to the Council of Heads of State of the Commonwealth for consideration;

7. To instruct the Ministry of Foreign Affairs of the Russian Federation to inform the Security Council of the decision of the Council of Heads of State of the Commonwealth.

The present decision shall enter into force on the date of its signature.

Done in Moscow on 28 March 1997 in one original copy in the Russian language. The original copy shall be deposited with the Executive Secretariat of the Commonwealth of Independent States, which shall transmit a certified copy to each State that has signed this decision.

For the Republic of Armenia
(Signed) L. TER-PETROSSIAN

For the Republic of Moldova

For the Azerbaijani Republic
(Signed) H. ALIYEV

For the Russian Federation
(Signed) B. YELTSIN

For the Republic of Belarus

For the Republic of Tajikistan
(Signed) E. RAKHMONOV

For Georgia
(Signed) E. SHEVARDNADZE

For Turkmenistan

For the Republic of Kazakstan
(Signed) N. NAZARBAEV

For Ukraine

For the Kyrgyz Republic
(Signed) A. AKAYEV

For the Republic of Uzbekistan
(Signed) I. KARIMOV

ANNEX II

On progress towards a settlement of the conflict in Abkhazia, Georgia

The Council of Heads of State of the Commonwealth of Independent States,

Reaffirming their commitment to the sovereignty and territorial integrity of Georgia,

Recalling the Declaration of the Lisbon Summit Meeting of heads of State of the members of the Organization for Security and Cooperation in Europe (OSCE), held in December 1996, which condemned "the ethnic cleansing resulting in mass destruction and forcible expulsion of the predominantly Georgian population in Abkhazia", as well as actions preventing the return of refugees and displaced persons,

Guided by the provisions of the Memorandum on the maintenance of peace and stability in the Commonwealth of Independent States, signed in Almaty on 10 February 1995, and the statement issued in Minsk on 26 May 1995 by the Council of Heads of State of the Commonwealth on overcoming the threat of separatism as the most important condition for ensuring stability in the Caucasus and settling the conflicts in that region,

Condemning the position of the Abkhaz side, which is hindering the conclusion of agreements on a political settlement of the conflict in Abkhazia, Georgia, and the return, in dignity and safety, of refugees and displaced persons to their homes,

Notes that the measures taken in accordance with its decision of 19 January 1996 on a settlement of the conflict in Abkhazia, Georgia, have contributed to the marked revitalization of the negotiating process,

At the same time, disagreements on the solution of key issues involved in a settlement, including the definition of the political status of Abkhazia, Georgia, have not been resolved. The question of the return, in dignity and safety, of refugees and displaced persons to their homes has not been settled. Serious concern has been raised by the escalation of acts of sabotage and terrorism in Gali district; violations of the Agreement on a Ceasefire and Separation of Forces of 14 May 1994 are continuing. The local population, refugees and displaced persons, and members of the Collective Peacekeeping Forces have been victims of terror and violence.

The Council of Heads of State declares that the States members of the Commonwealth

shall endeavour to reach, as soon as possible, a comprehensive political settlement of the conflict in Abkhazia, Georgia, and an agreement on the return of refugees and displaced persons to their homes;

shall continue to carry out to the fullest extent the decision on measures to settle the conflict in Abkhazia, Georgia, adopted on 19 January 1996 by the Council of Heads of State of the Commonwealth, and shall strengthen the monitoring of its implementation;

shall continue to give its full support for the sovereignty and territorial integrity of Georgia within its internationally recognized borders.

Expressing deep concern that the political and humanitarian problems engendered by the conflict have not been settled, the Council of Heads of State calls upon the States members of the Commonwealth and the international community to continue to provide humanitarian assistance to the population and the districts affected by the war.

Done in Moscow on 28 March 1997 in one original copy in the Russian language. The original copy shall be deposited with the Executive Secretariat of the Commonwealth of Independent States, which shall transmit a certified copy to each State that has signed this instrument.

For the Republic of Armenia
(*Signed*) L. TER-PETROSSIAN

For the Republic of Azerbaijan
(*Signed*) H. ALIYEV

For the Republic of Belarus

For Georgia
(*Signed*) E. SHEVARDNADZE

For the Republic of Kazakstan
(*Signed*) N. NAZARBAEV

For the Kyrgyz Republic
(*Signed*) A. AKAEV

For the Republic of Moldova
(*Signed*) P. LUCINSCHI

For the Russian Federation
(*Signed*) B. YELTSIN

For the Republic of Tajikistan
(*Signed*) E. RAKHMONOV

For Turkmenistan

For Ukraine
(*Signed*) L. KUCHMA

For the Republic of Uzbekistan
(*Signed*) A. KARIMOV

ANNEX III

Decision to extend the length of stay of the Collective Peacekeeping Forces in the Republic of Tajikistan

The Heads of the States Parties to the present decision,

Having regard to the appeal by the President of the Republic of Tajikistan for an extension of the length of stay of the Collective Peacekeeping Forces in the territory of the Republic of Tajikistan,

Guided by paragraph 2 of the decision on the establishment of the Collective Peacekeeping Forces and the commencement of their operation of 24 September 1993,

Considering the important stabilizing role of the Collective Peacekeeping Forces in the Republic of Tajikistan,

Taking into account the positive developments in the inter-Tajik talks, which are being held under United Nations auspices and with the participation of observer countries, towards achieving national accord,

Have decided:

To extend the length of stay of the Collective Peacekeeping Forces in the Republic of Tajikistan from 1 January to 16 June 1997.

DONE in Moscow on 28 March 1997 in one original copy in the Russian language. The original copy shall be deposited with the Executive Secretariat of the Commonwealth of Independent States, which shall transmit a certified copy to each State that signed this decision.

For the Republic of Armenia
(*Signed*) L. TER-PETROSSIAN

For the Azerbaijani Republic

For the Republic of Belarus
(*Signed*) A. LUKASHENKA

For Georgia
(*Signed*) E. SHEVARDNADZE

For the Republic of Kazakstan
(*Signed*) N. NAZARBAEV

For the Kyrgyz Republic
(*Signed*) A. AKAEV

For the Republic of Moldova

For the Russian Federation
(*Signed*) B. YELTSIN

For the Republic of Tajikistan
(*Signed*) E. RAKHMONOV

For Turkmenistan

For Ukraine

For the Republic of Uzbekistan
(*Signed*) I. KARIMOV

ANNEX IV

Joint statement on Tajikistan issued by the Council of the Heads of State of the Commonwealth of Independent States

The heads of State of the Commonwealth of Independent States (CIS) reaffirm their conviction that the Tajik conflict can be settled solely through political means, by an inter-Tajik dialogue based on consideration of the interests of all political forces and the entire population of Tajikistan.

In this regard, the heads of State note with satisfaction the highly positive impact on the inter-Tajik negotiations of the decisions reached during meetings between the President of Tajikistan and the leader of the United Tajik Opposition, as well as the meeting between the parties held in Moscow in March 1997.

Noting the progress in the talks in recent months, they underscore the need for the full and consistent implementation by the Tajik parties of all existing agreements in the interest of achieving national accord in Tajikistan as soon as possible.

The heads of State call upon the United Nations, the Organization for Security and Cooperation in Europe and the international community, particularly the States that border the region, to continue their efforts to contribute to a political settlement of the Tajik conflict.

For their part, the States members of CIS will continue to promote the peace process in Tajikistan. In this regard, they note the important stabilizing role of the CIS Collective Peacekeeping Forces in Tajikistan.

The States members of CIS intend to continue to provide economic and humanitarian assistance to the Republic of Tajikistan and to expand their bilateral and multilateral cooperation and interaction with it.

Moscow, 28 March 1997

DOCUMENT S/1997/269

Letter dated 2 April 1997 from the representative of Togo to the Secretary-General

[Original: French]
[2 April 1997]

I have the honour to transmit herewith the text of a letter dated 2 April 1997, in which Mr. Koffi Panou, Minister for Foreign Affairs and Cooperation of Togo, transmits to you the text of the statement adopted at the conclusion of the first special session of the Conference of Heads of State and Government of the Central Organ of the Organization of African Unity (OAU) Mechanism for Conflict Prevention, Management and Resolution, held in Lome on 26 and 27 March 1997, which was devoted to the situation in eastern Zaire.

I am also transmitting to you herewith the text of the communique issued at the conclusion of the meeting between the representatives of the Government of the Republic of Zaire and the Alliance of Democratic Forces for the Liberation of the Congo-Zaire (AFDL).

The Government of Togo would be grateful if you would have the text of the present letter and its annexes circulated as a document of the Security Council.

(Signed) Komi Mensah AFETO
Chargé d'affaires a.i.
of the Permanent Mission of Togo
to the United Nations

ANNEX I

Letter dated 2 April 1997 from the Minister for Foreign Affairs and Cooperation of Togo to the Secretary-General

On the initiative of the Government of Togo, the Central Organ of the Organization of African Unity (OAU) Mechanism for Conflict Prevention, Management and Resolution, meeting at the ministerial level during the sixty-fifth ordinary session of the Council of Ministers of OAU, held in Tripoli from 24 to 28 February 1997, decided to hold in Lomé a special session of the Conference of Heads of State and Government of the Central Organ in order to consider the situation in the Great Lakes region, with particular reference to eastern Zaire.

Preceded by a meeting of the Council of Ministers, the first special session of the Conference of Heads of State and Government of the Central Organ met in Lomé on 26 and 27 March 1997, 16 African heads of State and Government, as well as the Secretary-General of the United Nations, the Secretary-General of OAU, Ambassador Mohamed Sahnoun, joint United Nations/OAU Special Representative for the Great Lakes region, Mr. Aldo Ajello, Special Envoy of the European Union for the Great Lakes region, and special envoys from Germany, the United States of America and France.

In transmitting to you herewith the text of the declaration adopted at the conclusion of the special session of the Conference of Heads of State and Government of the Central Organ, I should like to point out that, during the course of the Summit, Presidents Eyadema, Biya and Abacha, after lengthy informal consultations, succeeded in convincing the two parties to the conflict in eastern Zaire to reiterate their commitment to accept the principles of a ceasefire and negotiations.

The communiqué issued at the conclusion of that meeting, the text of which I am also transmitting herewith (see annex II), indicates that, once the delegations have returned to their countries and consulted with their respective authorities, the Secretary-General of the United Nations and the Secretary-General of OAU will be informed of the date of the start of negotiations and the proclamation of a ceasefire, which will be announced simultaneously in Lome, Kinshasa and Goma.

I am convinced that the results of the meeting in Lomé will contribute to a definitive settlement of the crisis in Zaire and to the restoration of peace in that country.

I should be grateful if you would have the texts of the statement and the communique circulated as documents of the Security Council.

(Signed) Koffi PANOU

ENCLOSURE

Statement issued by the Central Organ of the Organization of African Unity Mechanism for Conflict Prevention, Management and Resolution, at the level of Heads of State and Government on the situation in the Great Lakes region, with particular reference to eastern Zaire, at Lomé, on 27 March 1997

[Original: English/French]

1. The Heads of State and Government of States Members of the Central Organ of the Organization of African Unity (OAU) Mechanism for Conflict Prevention, Management and Resolution met at Lomé on 26 and 27 March 1997 to consider the situation in the Great Lakes region, with particular reference to the conflict in eastern Zaire. Also participating in the meeting were the Heads of State and Government or their representatives from the following countries:

(a) Countries of the Great Lakes region that are not members of the Central Organ;

(b) Countries neighbouring Zaire;

(c) African countries that are members of the Security Council;

(d) Countries involved in the Nairobi process;

(e) The Chairman of the OAU Council of Ministers;

(f) Other OAU member States in their capacity as observers.

2. The Central Organ reiterated its grave concern about the continuing deteriorating security, political, socio-economic and humanitarian situation in the Great Lakes region, especially the current armed conflict in eastern Zaire.

3. The Central Organ welcomed all the initiatives being undertaken by African leaders, as well as those by our partners from outside the continent aimed at finding a peaceful, negotiated and political settlement of the conflict, and stressed the need to ensure proper and adequate coordination of all these initiatives.

4. The Central Organ, having heard and considered a report from Mr. Daniel T. Arap Moi, President of the Republic of Kenya, Chairman of the Nairobi I, II and III Summits and of the Committee of Four mandated by the Nairobi II Summit, expressed its appreciation for the efforts deployed by the African leaders involved in the Nairobi Summits in the search for a peaceful solution to the crisis in eastern Zaire and urged them to continue with their efforts.

5. The Central Organ reaffirmed its full commitment to the principle of territorial integrity and unity of Zaire, as well as respect for the principle of inviolability of borders, existing at the time of the achievement of national independence as enshrined in the Charter of the OAU, as well as the resolution AHG/Res. 16 (I) adopted at Cairo in July 1964.

*6. The Central Organ condemned all types of foreign military intervention and the use of mercenaries in Zaire.

*Reservations entered by Zaire on paragraphs 6, 9, 10 and 12.

7. The Central Organ welcomed and expressed support for the Five Point Peace Plan submitted by the United Nations/OAU Special Representative, Ambassador Mohamed Sahnoun, as endorsed by the Security Council in its resolution 1097 (1997), and by the sixty-fifth ordinary session of the OAU Council of Ministers (CM/Dec.305 (LXVI)) and urged all parties concerned as well as all member States fully to support the mission and mandate of the Special Representative in the implementation of the Plan.

8. The Central Organ recommended to the Security Council the setting up, in cooperation with OAU, of a mechanism for monitoring the implementation of the United Nations/OAU Peace Plan on Zaire and requested the Secretary-General of OAU and the United Nations to undertake the necessary consultations to this end.

*9. The Central Organ called for immediate negotiations between the Government of Zaire and the Democratic Alliance for the Liberation of Congo-Zaire (AFDL) leading to a ceasefire and complete cessation of hostilities, in order to pave the way for the implementation of the said Plan.

*10. The Central Organ authorized the Secretary-General, in the spirit of paragraph 22 of the Cairo Declaration Establishing the Mechanism for Conflict Prevention, Management and Resolution, to establish contacts with the leadership of the AFDL, with a view to requesting it to make itself available for consultation, as and when the need arises.

11. The Central Organ also called on all the parties to the conflict to create safe and secure conditions to facilitate the channelling of adequate and timely humanitarian and relief assistance to refugees and internally displaced persons.

*12. The Central Organ appealed to all the parties to the conflict to cooperate with the appropriate international agencies so as to encourage and accelerate the voluntary repatriation of refugees in eastern Zaire, it being understood that this repatriation would ensure their safety and dignity.

13. The Central Organ called on the Security Council to take immediate and appropriate measures to ensure that the elements of the former Rwandese Army and Interhamwe militias are disarmed and demobilized. Those suspected of the genocide should appear before the International Criminal Tribunal for Rwanda.

14. The Central Organ requested the Secretary-General to take appropriate practical measures, including the dispatch of a mission of the OAU Commission of Twenty on Refugees, in order to assess the situation of refugees and displaced persons in eastern Zaire and all other countries of the region.

15. With regard to the situation in Burundi, the Central Organ endorsed the decision of the sixty-fifth ordinary session of the Council of Ministers, held at Tripoli (CM/Dec.306 (LXVI)) and welcomed the proposed regional summit to be held at Arusha on 8 April 1997.

16. The Central Organ called on the Follow-up Committee for the Implementation of the Bujumbura Conference Plan of Action on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region to meet in order to review all aspects of the humanitarian and refugee crisis in the region as well as to find durable solutions to all outstanding issues of this problem.

17. The Central Organ underscored the importance of convening an international conference on peace, security, stability and development in the Great Lakes region under the auspices of OAU and the United Nations.

18. Finally, the Central Organ expressed its appreciation to President Gnassingbe Eyadema, and the Government and people of Togo for hosting its first extraordinary session and for the warm welcome and hospitality accorded to all the delegations.

ANNEX II

Communiqué issued in Lomé on 27 March 1997

Meeting during the first special session of the Conference of Heads of State and Government of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution, the President of the Togolese Republic, Mr. Gnassingbé Eyadema, the current Chairman of OAU, the President of the Republic of Cameroon, Mr. Paul Biya, General Sani Abacha, Head of State, Commander-in-Chief of the Nigerian Armed Forces, the current Chairman of the Economic Community of West African States, the Secretary-General of the United Nations, Mr. Kofi Annan, and Ambassador Mohamed Sahnoun, joint United Nations/OAU Special Representative for the Great Lakes region, consulted with the representatives of the two parties to the conflict, namely, the Government of the Republic of Zaire and the Alliance of Democratic Forces for the Liberation of the Congo-Zaire (AFDL), on ways and means of ensuring the speedy implementation of the United Nations/OAU plan for a peaceful settlement of the crisis in eastern Zaire.

The results of this meeting were as follows:

1. The two delegations reiterated their commitment to accept:

(a) the principle of a ceasefire;

(b) the principle of negotiations.

2. Once the delegations have returned to their countries and consulted with their respective authorities, the United Nations and OAU will be informed of the date of the start of negotiations and the proclamation of a ceasefire, which will be announced simultaneously in Lomé, Kinshasa and Goma.

DOCUMENT S/1997/276

Letter dated 3 April 1997 from the Secretary-General to the President of the Security Council

[Original: English]
[4 April 1997]

I refer to my predecessor's report of 19 November 1996 on the United Nations Preventive Deployment Force (UNPREDEP) in the former Yugoslav Republic of Macedonia [*S/1996/961*] and to Security Council resolution 1082 (1996) of 27 November 1996 on the same subject.

In his report, my predecessor pointed out that the current mandate of UNPREDEP in the former Yugoslav Republic of Macedonia is of a preventive nature, aimed at enabling the country to weather a turbulent and hazardous period. The role of UNPREDEP, previously a part of the United Nations Protection Force (UNPROFOR)—under Security Council resolution 795 (1992) was to establish a United Nations presence on the border of the former Yugoslav Republic of Macedonia with Albania and the Federal Republic of Yugoslavia, with a view to monitoring and reporting developments in those areas that could undermine confidence and stability in the country or threaten its territory. It was intended that such a presence would also deter threats from any source and help prevent the possibility of clashes between external elements and the country's forces.

As members of the Council will recall, my predecessor also noted in his report that peace and stability in the former Yugoslav Republic of Macedonia were intimately linked to the overall situation in the region. However, recent developments had made the original purpose of deploying a United Nations mission—to prevent conflicts elsewhere in the former Yugoslavia from spilling over to that country—more remote. The relative tranquillity in the area and the desire to achieve economies in peacekeeping operations therefore led my predecessor to recommend a phased reduction of the military component of UNPREDEP by 300 all ranks by 1 April 1997. The Security Council endorsed that recommendation in resolution 1082 (1996) and decided that the proposed reduction should be effected by 30 April 1997.

Recent developments in Albania and the resulting situation of lawlessness and banditry in certain parts of that country have demonstrated that stability in the Balkan region remains extremely fragile. The Security Council, in its presidential statement of 13 March 1997 [*S/PRST/1997/14*] and in its resolution 1101 (1997) of 28 March 1997, has expressed its deep concern over this deteriorating situation, stressed the importance of regional stability and, in this context, expressed its full support for the diplomatic efforts of the international community to find a peaceful solution to the crisis.

While there appears to be no imminent danger of the problems in Albania spilling over to the former Yugoslav Republic of Macedonia, the current crisis is a source of great anxiety in that country. As members of the Security Council are aware, the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia, in a letter addressed to me on 7 March 1997 [*S/1997/205*], has underlined the seriousness of the situation and requested that the reduction of the UNPREDEP military component be suspended. The volatility of the situation has also caused both my Special Representative and the Force Commander of UNPREDEP to convey to me their concern about the timing of the downsizing of the Force.

As the Council was informed, UNPREDEP began the mandated reduction of its military component at the end of March when it started the process of dismantling its observation posts along the borders with the Federal Republic of Yugoslavia and Albania. Although this did not affect the number of patrols or the effectiveness of UNPREDEP's monitoring activities, the commencement of the closure of the observation posts, which coincided with the crisis in Albania, was misperceived and resulted in immediate criticism of UNPREDEP in the local press. Considering the situation in the region, my Special Representative and the Force Commander, with my agreement, have temporarily suspended the drawdown of the military component. However, in order to meet the 30 April deadline for the mandated reduction in force levels, UNPREDEP will be required to resume the drawdown in the coming days.

UNPREDEP has considered the possibility of concentrating the drawdown on the border between the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia. However, there is a clear possibility that reducing UNPREDEP's strength on the northern border at this sensitive time might have negative repercussions. This would be particularly true if the situation in Albania continued to deteriorate, with possible effects on minority Albanian-speaking populations throughout the region.

UNPREDEP has, to date, been a most successful mission. However, proceeding with the planned reduction during a period when further regional instability continues to be a possibility could put at risk the credibility of the international community's first serious effort at preventive deployment. In the light of the above, and on the basis of the advice of my Special Representative, I recommend that the Security Council approve the suspension of the reduction of the UNPREDEP military component until the end of the current mandate on 31 May 1997.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) Kofi A. ANNAN

DOCUMENT S/1997/301

Note by the Secretary-General

[*Original: English*]
[*11 April 1997*]

1. The Secretary-General has the honour to transmit to the Security Council a report submitted by the Executive Chairman of the Special Commission, established by the Secretary-General pursuant to paragraph 9 (*b*) (i) of Security Council resolution 687 (1991) of 3 April 1991.

2. The present report is the third report by the Executive Chairman of the Special Commission following the adoption of Security Council resolution 1051 (1996) of 27 March 1996, in which, in paragraph 16, the Council called for the consolidation of the reports required under the Council's resolutions 699 (1991) of 17 June 1991 and 715 (1991) of 11 October 1991. The report covers the period from 11 October 1996 to 11 April 1997.

3. The Commission's 20 previous reports are: S/23165, S/23268, S/23801, S/24108, S/24661, S/24984, S/25620, S/25977, S/26684, S/26910, S/1994/489, S/1994/750, S/1994/1138, S/1994/1422 and Add.1, S/1995/284, S/1995/494, S/1995/864, S/1995/1038, S/1996/258 and S/1996/848.

ANNEX

Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of resolution 687 (1991)

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APPENDICES

I. Inspection activities and operational, administrative and other matters

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I. INTRODUCTION

1. The present report is the third report by the Special Commission following the adoption of resolution 1051 (1996) of 27 March 1996. It is a consolidated report addressing all aspects of the Commission's work under resolutions 687 (1991) of 3 April 1991, 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991, 1051 (1996) of 27 March 1996 and 1060 (1996) of 12 June 1996.

2. The report covers the period from 11 October 1996 to 11 April 1997. During the period, the Executive Chairman briefed the Council in the months of October and December 1996 and March 1997 on developments in the Commission's work. In addition, the Chairman has held numerous meetings with groups of Council members and individual members.

3. The Commission has continued with the implementation of the mandate laid down in paragraphs 8, 9 and 10 of section C of resolution 687 (1991) and subsequent relevant resolutions of the Council. That mandate has two specific parts: first to identify and dispose of Iraq's weapons of mass destruction in the chemical and biological areas, its long-range missiles and related capabilities in all proscribed areas; and, secondly, to create and operate a system of ongoing monitoring of Iraq's compliance with its obligation not to acquire proscribed weapons and capabilities. Furthermore, the Commission continues to be responsible for designating locations not declared by Iraq for inspection by the International Atomic Energy Agency (IAEA) in the nuclear field, in providing support to IAEA inspections in Iraq and certain other services called for by the relevant resolutions.

II. DEVELOPMENTS

4. After its acceptance of Security Council resolution 687 (1991) in April 1991, the Government of Iraq initiated a policy of systematic concealment, denial and masking of the most important aspects of its proscribed weapons and related capabilities. In the face of this challenge, the Commission has had to field innovative and creative inspections, planned, organized and executed in a manner capable of defeating Iraqi countermeasures. The inspection activities and the integrated analytical work, supported by advanced techniques and applied science, have since 1991 led to the uncovering of the full dimensions of Iraq's complex programmes for weapons of mass destruction. During the last two years only, the inspections have led to the unmasking of: a complete biological weapons development and production programme, highly sophisticated and advanced work on the extremely lethal chemical warfare nerve agent VX, and the undeclared domestic development and production of Scud-type missile engines under Iraq's project 1728. Large quantities of chemical weapons and equipment, as well as long-range missiles and related precision machines, have been destroyed under the Commission's supervision in the implementation of resolution 687 (1991). As late as 1996, after the detection of the secret biological weapons programme, the sprawling research, development and production facility for biological weapons at Al Hakam was demolished.

5. These accomplishments demonstrate that international weapons inspections under the auspices of the United Nations, if applied with first-rate expertise and modern technology, can achieve effective results.

6. The Commission is continuing its work as it cannot state that Iraq has accounted for all weapons, components and capabilities proscribed under section C of resolution 687 (1991). In most cases when confronted by the Commission, Iraq admits the acquisition of such items through import or production. However, Iraq maintains that it itself has destroyed many of them, mostly in 1991 and 1992, in undeclared and secret campaigns. These have been conducted in contravention of resolution 687 (1991), in which the Council calls for all such destruction to be carried out under international supervision by the Commission. In addition, Iraq's policy of concealment, described in detail in the Commission's report of 11 October 1996 [S/1996/848], was aimed at deceiving the inspectors and at retaining limited but significant proscribed capabilities.

7. Since spring 1996, the Commission has carried out a series of unprecedented inspections aimed at detecting the concealment mechanism and getting access to proscribed weapons, components, production tools and related documents that might still remain in Iraq. All these activities are in conformity with the joint programme of action agreed upon on 22 June 1996 between the Executive Chairman and the Deputy Prime Minister of Iraq, where unilateral undeclared destruction, the provision of documents and the concealment measures, as well as the attainment of a material balance in each weapons area, were defined as priority tasks.

8. Security Council resolutions 687 and 707 (1991) require Iraq to provide declarations containing its full, final and complete disclosures of its proscribed chemical, biological and missile programmes, and the Commission then to verify them. However, the inadequacies, incompleteness and lack of evidentiary documentation in many areas of Iraq's various declarations over the years have not allowed for credible verification by the Commission. This has constituted one of the main reasons for the delay in clearing up matters related to Iraq's programmes for weapons of mass destruction and long-range missiles, thus preventing the Commission from reporting to the Security Council under paragraph 22 of resolution 687 (1991) that, in its view, Iraq has completed all actions contemplated in section C of that resolution. In an effort to expedite the verification process, and to assist Iraq in identifying where further action on its part is required, an innovative process was agreed upon by the Deputy Prime Minister and the Executive Chairman, by which the Commission presents to Iraq, at the political level, its detailed findings and assessment of the outstanding problems. This process started in the December 1996 meeting at Baghdad between the Deputy Prime Minister and the Chairman, during which missile issues were addressed. It was followed by similar discussions in the chemical weapons area in February and April 1997, and in the biological weapons area in April 1997. Seminar-type meetings, associated with this process, were held at the technical level, with the participation of Iraqi experts and teams of international experts from the Commission.

9. This process requires both a detailed and systematic presentation on the part of the Commission, and a similar and verifiable response by Iraq. The Commission believes that it has led to a much clearer understanding, at the level of Iraq's political leadership, of what the problems are and what Iraq is required to do to endeavour to resolve them. The Commission's hope was that by creating this direct link between the political and technical levels, the lack of progress on essential technical issues may be overcome. In essence, the goal is to force Iraq's political statements of full cooperation into becoming a reality at the technical level. Tangible results have already been achieved in the missile and chemical areas. Because of particular deficiencies in the biological weapons declaration, addressed in detail later in this report, it has not yet been possible to apply the process in full to this area. However, Iraq has recently accepted the Commission's proposal to work jointly at the expert level to prepare a new declaration on the biological

area. It should be accompanied by the relevant documentation necessary for its credible verification. The Commission is using all its resources and efforts to expedite the verification process, achieve material balances and clarify the outstanding issues with the aim of being able to report to the Council under paragraph 22 of resolution 687 (1991). The results achieved so far during the last six months indicate that the new process constitutes a fruitful approach, which should expedite matters, if Iraq is fully cooperative and transparent in its response to the Commission's initiatives and concerns.

A. *Relations with Iraq*

10. The provisions of the joint statement of 22 June 1996, and the joint programme of action of the same date, call for a bimonthly political level meeting between Iraq and the Commission at Baghdad to review progress and direct further effort. The first of these meetings in the period under review took place from 19 to 21 October 1996. The Chairman's visit followed on his briefing of the Council on the Commission's six-monthly report that had been submitted on 11 October [*ibid.*].

11. The Chairman held plenary meetings with Mr. Tariq Aziz, the Deputy Prime Minister, and a large Iraqi delegation. In the main, the meetings focused on discussion of the Commission's October report. The Commission's side explained the reasons for its continuing concerns over various aspects of its mandate which had not been completed and pointed out that, on the basis of information provided by Iraq, it could not yet determine that all proscribed weapons, components and materials had been disposed of as Iraq had claimed. With this in mind, the Chairman continued to press the Iraqi side to provide more information, particularly documentation, to support its declarations required under resolutions 687, 707 and 715 (1991) and presented to the Commission in June and July 1996. However, the Iraqi side did little to deal with the outstanding concerns but instead dwelt on areas where it considered that the Commission's characterization of the situation in its October report had been overly negative. No progress was made on issues of substance. The Deputy Prime Minister acknowledged that more work was needed and that the degree of cooperation reached at the political level had to be translated into concrete results at the technical and operational levels.

12. As a result of agreement during the Chairman's visit to Baghdad during October 1996, the Deputy Executive Chairman paid a visit to Baghdad in November to discuss the ongoing monitoring and verification system and ways in which its functioning could be improved. The Commission's team presented general points of principle as well as specific areas of growing concern regarding Iraq's cooperation in the monitoring operations. The Iraqi side outlined areas in which it had specific requests of the Commission. Iraq gave some commitments to improve its ongoing monitoring and verification declarations. The Commission is seeking to simplify the formats for the declarations.

13. The Chairman's next bimonthly visit to Baghdad took place from 8 to 11 December 1996. He made a presentation that included details of what the Commission knew of the disposition of prohibited missiles and pointed to the fact that the missiles that Iraq had acknowledged importing had not all been accounted for by Iraq. The Commission's experts demonstrated that none of the variety of analyses of information provided by Iraq produced a zero material balance of the proscribed missiles known to have existed at the end of the Gulf War. Furthermore, there were many other outstanding issues, including the rationale for the programme of secret destruction by Iraq and its recently admitted diversion of missiles, components and production tools, even during this destruction. In his response, the Deputy Prime Minister acknowledged that there were some issues where Iraq could do more to support its declaration that all proscribed missiles had been destroyed and undertook that it would further address the Commission's concerns.

14. The Chairman made it clear to the Iraqi side that its refusal to permit the removal from Iraq of missile remnants for analysis by the Commission (described in paras. 41-44) was a violation of the Commission's rights and a serious impediment in accounting for the proscribed missiles. However, Iraq continued to block the removal of the remnants. On 17 December, the Chairman wrote to the Deputy Prime Minister setting out his assessment of the meetings and again called on Iraq, in keeping with its obligations, to release the missile remnants. This letter was distributed to the members of the Council.

15. The Chairman next visited Baghdad from 29 to 31 February 1997. In addition to the remaining missile issues, the two sides began addressing the outstanding issues in the chemical weapons area. The Chairman explained the basis for the Commission's concerns that Iraq had still not provided a full and correct account of its chemical weapons programme. He, *inter alia*, addressed the production of the nerve agent VX, missing documents, unaccounted-for warheads, bombs and munitions and undeclared chemical weapons production equipment. The Deputy Prime Minister undertook to address the Commission's concerns, in part through the provision of written answers. It was agreed that a follow-up expert level meeting would be held in March.

16. During the February meetings, Iraq provided further clarifications on the outstanding missile issues. There was some progress on the basic accounting, mainly cross-checking serial numbers and other data to ensure that both sides were working from the same premise. However, not much emerged on important problems such as concealment of missiles after the war and their unilateral destruction. A further issue addressed by the Chairman was Iraq's continuing refusal to let the Commission remove the remnants of destroyed missiles as called for in the statement by the President of the Security Council of 30 December 1996 (S/PRST/1996/49). The Deputy Prime Minister sought to have Iraqi personnel involved in the Commission's investigation and analysis of the remnants. The Chairman ruled that out. Ultimately, Iraq agreed to the removal of the remnants for off-site country analysis. At the end of the meetings on 23 February 1997, the two sides agreed on a joint statement (S/1997/152) describing the arrangements for the removal, the main results of the visit and the plans for the immediate future.

17. On 2 March 1997, the Chairman held a meeting in New York with Mr. Mohammed Saeed Al-Sahaf, Iraq's Minister for Foreign Affairs. The two sides agreed that a relationship based on cooperation was the best way for resolving outstanding issues. The Chairman raised some problems that the Commission had recently encountered in commencing its monitoring operations in Iraq, as described in paragraphs 26-29.

18. On 9 April 1997, during the next bimonthly meeting at Baghdad, the Chairman gave an update on the Commission's analysis of the removed missile remnants. The work on the items considered to be a priority had already begun. However, the programme would require several weeks or months before it was completed.

19. In the chemical area progress was made on how to handle certain of the problem areas, principally Iraq's remaining potential in the chemical weapons area and the availability of unaccounted weapons. The Deputy Prime Minister stated that Iraq did not conceal chemical weapons of any kind nor precursors for such weapons. He acknowledged that Iraq had carried out destruction without the mandatory prior notification to the Commission and that this destruction had to be accounted for. He argued that the lack of an explanation for such activities and supporting documents should not be used by the Commission as the basis for suppositions that Iraq was still concealing prohibited items. The Chairman outlined actions that the Commission would take in the coming two months in an effort to expedite verification of outstanding issues. The Deputy Prime Minister made an appeal for the chemical weapons file to be closed by early June 1997. The Chairman made it clear that the issues that he had identified had to be addressed thoroughly and stressed the need for Iraq's account to be backed up with documentation that would substantiate the truth.

20. The Chairman restated the Commission's contention that more documents concerning Iraq's proscribed weapons programmes still existed in Iraq in all areas. Those received so far came, in the main, from Iraq's field facilities. More documentation should be available from the central Government organs such as the Military Industrialization Corporation, the Ministry of Defence and the Office of the Presidency. He made a formal request for the documentation, which would considerably help with the verification of Iraq's declarations. The Iraqi side undertook to search for more documents, stating that there was no policy to withhold

information and that, when documents were discussed, they were given to the Commission.

21. The Chairman presented the status of the verification in the biological area. He made it clear that Iraq's declaration, presented to the Commission in June 1996, did not provide a basis for proper verification as it contained many gaps and inconsistencies. He asked that the Iraqi side reconsider its position and provide the Commission with a new declaration that gave a full and accurate account of its biological weapons programme. He indicated that the Commission would work actively with Iraq's experts to that end. At the meeting, Iraq stated that, in response to the Chairman's presentation, it could not present anything new but would reiterate the data in its June 1996 declaration. The Deputy Prime Minister stated that, while Iraq's account was accurate, he agreed that further work was needed in the biological weapons area. He made a formal statement that Iraq did not control any biological warfare agents or any materials that could be used as a biological weapon. Subsequently, in a letter dated 5 April 1997, the Deputy Prime Minister communicated Iraq's agreement to the Chairman's proposals regarding a new declaration in the biological area.

22. The two sides discussed problems that had arisen in the conduct of ongoing monitoring and verification (see paras. 26-29). The Chairman stressed the seriousness with which the Commission viewed Iraq's actions, which had included threats that had been made to the safety of the Commission's helicopter operations. The Commission had noticed efforts by Iraq to undercut the effectiveness of monitoring through a variety of tactics. The Chairman warned that Iraq's deteriorating performance called into question its commitment to the monitoring process and that if the trend were not reversed it could result in a situation with political consequences whereby monitoring could no longer be considered operational. The Deputy Prime Minister stated formally that Iraq had no objection to the basis of the monitoring process nor a philosophical disagreement with its aims. Iraq was committed to ongoing monitoring and verification and that would not change. It was the cornerstone of Iraq's policy to ask the Security Council to implement paragraph 22 of resolution 687 (1991). The Deputy Prime Minister said that Iraq's aim was to have the monitoring process proceed correctly to the full satisfaction of the Commission, IAEA and the Security Council. Lieutenant General Amer Rashid, the Minister of Oil, addressed issues relating to the practical aspects of monitoring activities and put forward some suggestions. That was done in a constructive spirit and was welcomed by the Chairman.

B. *Ongoing monitoring and verification*

23. The establishment and effective functioning of a system for ongoing monitoring and verification of Iraq's compliance with its obligations is a necessary condition if the Commission is to be able to report to the Council under paragraph 22 of resolution 687 (1991). The task facing the Commission requires it to monitor throughout Iraq sites and facilities with equipment capable of producing proscribed weapons as well as to watch for clandestine sites that may be created for proscribed activities. Thus, for the monitoring system to be effective, it must cast a broad net and cover major facilities such as petrochemical and biopesticide plants where chemical or biological warfare agents could be produced. However, such agents can also be clandestinely produced by Iraq in such facilities as breweries, brake fluid factories and even university microbiology laboratories containing permitted dual-use equipment. Therefore, those facilities must also be covered. The Commission now regularly monitors over 300 sites in Iraq.

24. Since April 1995, the Commission has had a system of ongoing monitoring in place in Iraq in all areas falling within its competence. The system comprises a variety of interlocking and overlapping processes involving on-site inspection by resident teams, aerial inspections and a variety of remote sensing capabilities, including cameras and chemical detectors.

25. The effectiveness of the monitoring system is dependent on several factors. Among the more important are the completeness and accuracy of the declarations required from Iraq under the monitoring plans. The system is also based on the premise that the Commission has a clear understanding of the scope and history of Iraq's proscribed weapons programmes. Only then can the Commission have confidence that it is indeed monitoring all required locations and activities.

26. As noted in the Commission's previous report to the Council (*S/1996/848*), Iraq's behaviour and uneven compliance has had a negative effect on monitoring confidence. The last six months have seen a pattern of efforts on the part of Iraq to restrict the Commission's monitoring activities.

27. Iraq's monitoring declarations should be considerably improved. It appears that the problems in the compilation of the monitoring declarations rests not with the facilities providing the raw data, but with Iraq's National Monitoring Directorate, the governmental agency established as the interface for the Commission's work. The Commission has often discovered that facilities have provided accurate information to the National Monitoring Directorate but this information has then been manipulated so that the monitoring declarations presented to the Commission are misleading and inaccurate. Iraq has further failed to provide information about all sites and facilities where declarable equipment of a dual-use nature is located. During the period under review, the Commission's teams have inspected sites where several hundred pieces of dual-use equipment have not been declared.

28. One of the tasks of the National Monitoring Directorate is to provide minders who travel with the Commission's inspection teams to ensure that they are granted immediate and unconditional access to the sites under monitoring. The National Monitoring Directorate has sought to constrain the Commission's activities by restricting the times and days during which it would respond to requests for minders. When minders from the National Monitoring Directorate escort the Commission's inspectors, they have often interrupted interviews and instructed Iraqi site personnel to provide wrong information or to refuse to answer relevant questions.

29. Iraq has further sought to constrain monitoring activities by implementing a new policy whereby instructions have been issued to all sites and facilities that access be refused to the inspectors unless representatives of the National Monitoring Directorate are present. In another disturbing trend, Iraq has tried to enforce new procedures that seek to require prior approval from the National Monitoring Directorate for the provision of documents found by inspectors at sites. These violations of the Commission's rights have been protested by the Chairman in a series of letters to senior Iraqi officials and to the Deputy Prime Minister and were raised with him by the Chairman during his bimonthly meetings.

30. These are serious problems and the Commission will continue to work with Iraq to achieve the objectives of the monitoring system. However, long-term prospects for continued monitoring confidence depend on Iraq's commitment to carrying out its responsibilities and obligations under the monitoring plan. Early attention on the part of Iraq to these failures and strict discipline in carrying out its obligations is needed now, and on a continuous basis. The Commission very much hopes that the commitments given by the Deputy Prime Minister during the Chairman's visit to Baghdad in April 1997 will be translated into action.

C. *Aerial operations*

31. During the period under review, serious incidents have occurred in respect of the Commission's aerial operations. It will be recalled that the Commission has the right, under the Council's resolutions and related texts, to conduct both fixed-wing and helicopter flights throughout Iraq for all relevant purposes, including inspection, surveillance, aerial surveys, transportation and logistics without interference of any kind and upon such terms and conditions as may be determined by the Special Commission. These rights can only be changed by the Council. Iraq's violations have encompassed attempts to exclude significant areas from overflight and refusal to provide landing rights and refuelling, and threats to the safety and integrity of the aircraft and their crews. Iraq's actions have also included, on repeated occasions, threats to shoot down the Commission's aircraft if it did not follow the route Iraq wished it to fly. In other incidents, the Iraqi helicopter has flown dangerously close to the Commission's aircraft to force it to deviate from its planned route and Iraqi personnel on board the Commission's aircraft have attempted to wrest control of the aircraft.

32. The Chairman raised these issues during the meetings in Baghdad in February and later, on 14 March 1997, he wrote to the Deputy Prime Minister protesting Iraq's actions. On 16 March 1997, the Deputy Prime Minister responded to the Chairman's letter. He stated that Iraq had been cooperating with the Commission's operations and that the recent incidents should not be construed as an intentional pattern aimed at constraining the Commission's work. He informed the Commission that he had instructed the officials concerned to avoid any reoccurrence.

33. During the Chairman's April visit to Baghdad, the issues were again addressed. Both sides acknowledged that full account had to be taken of the Commission's rights and Iraq's legitimate defence concerns. The discussions were constructive and arrangements were arrived at to give practical effect to the above rights and concerns.

D. *Export/import monitoring mechanism*

34. The export/import monitoring mechanism, jointly operated by the Commission and IAEA, has now been fully operational for six months. During that period, Iraq and the Governments of suppliers have provided a number of notifications of the intended and actual export to Iraq of items identified in the annexes to the plans of the Commission and IAEA for ongoing monitoring and verification.

35. The introduction of the full export/import monitoring system, prior to the easing or lifting of sanctions, has been of great value in testing the system in practice, particularly in respect of operations inside Iraq. The infrastructure necessary to ensure the commercial confidentiality of information provided under the mechanism has been established.

36. The resident export/import monitoring group continues to undertake inspections in Iraq, frequently in conjunction with experts from other monitoring teams. In November 1996, a third export/import non-resident team, UNSCOM 165, undertook inspections at a number of sites to gain further information on import procedures.

E. *National implementation measures*

37. The plans for ongoing monitoring and verification require Iraq to enact into its national legislation a prohibition for all natural and legal persons under its jurisdiction or control from undertaking anywhere any activity that is prohibited for Iraq by resolutions 687 and 707 (1991), by other related Council resolutions or by the monitoring plans. Iraq must also enact penal legislation to be enforced against such individuals who violate that prohibition. These provisions are essentially similar in character to those accepted by the 70 or so States currently parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.

38. In the period under review there has been no progress in obtaining from Iraq compliance with its obligations in this regard. Whenever it is raised with Iraqi representatives, it is said in response that these measures give rise to no problem on Iraq's part and that it will proceed to enact the necessary legislation. The enactment of the necessary legislation is clearly one of the steps that Iraq is required to take in terms of paragraph 22 of resolution 687 (1991) before the Commission can report to the Council under that paragraph.

F. *Analysis of missile remnants*

39. As part of efforts to clarify outstanding issues, the Commission decided to carry out in-depth laboratory analysis on remnants of proscribed missiles. The main objective of this mission was to obtain solid data on quantities of missiles disposed of, in particular through Iraq's secret destruction in 1991. A team (UNSCOM 158) was despatched to Iraq in early November 1996 to conduct the excavation and removal from Iraq of the missile remnants. In that context, arrangements had been made with a Government to support the Commission in its analytical activity at a specialized facility.

40. The UNSCOM 158 mission was scheduled to take place in advance of the mid-December 1996 meeting between the Deputy Prime Minister and the Chairman, during which it had earlier been agreed that there would be a particular focus on attempting to settle outstanding problems in the missile accounting. It was hoped that some of the major findings of the analysis would aid the December meetings with final results to be incorporated in the Commission's report due in April 1997.

41. Excavation activities commenced at the site of the burial of the remnants on 6 November 1996. The team and Iraq's representatives recorded, both photographically and in video form, all items excavated. Preliminary on-site evaluation of the excavated material was carried out in a joint fashion by the Commission's experts and their Iraqi counterparts. By 14 November, approximately half of the remnants had been removed from the excavation site and had been transported to the Commission's Baghdad Monitoring and Verification Centre for preparation for removal from the country. At that time, Lt. General Amer Rashid contacted the Chief Inspector and suddenly stated that Iraq would not allow the Commission to remove the excavated items from the country.

42. On 15 November, the Chairman was contacted by Lt. General Amer Rashid. The Chairman told him that Iraq's actions were a clear violation of the terms of resolution 687 (1991). The Chairman noted that it was not technically feasible to conduct such laboratory work inside Iraq, as had been suggested by Iraq, owing to the lack of adequate technical facilities and capabilities in the country. He reiterated the Commission's intention to share with Iraq the results of the investigation of the items that the Commission planned to remove.

43. In a telephone conversation on 16 November, Lt. General Amer Rashid made it clear to the Chairman that the Iraqi side was not prepared to change its position and that the matter should await his next visit to Baghdad. The Chairman made it plain to him (and later in a letter that day to the Deputy Prime Minister) that any delays in settling the issue of missiles were purely of Iraq's own making.

44. During the December 1996 meetings in Baghdad, Iraq stuck to its position and refused to allow the removal of the remnants. On 18 December the Chairman briefed the Council on the continuing impasse. Later that month, on 30 December, the Council adopted a statement by its President (*S/PRST/1996/49*), which, *inter alia*, deplored the refusal by Iraq to allow the Commission to remove the remnants for analysis.

45. Despite the statement by the Council's president, Iraq continued to refuse to allow the removal of the remnants. During his visit to Baghdad in February 1997, the Chairman drew attention to the statement. After the protracted discussions, Iraq agreed that the missile remnants could be removed. This took place in early March 1997. The remnants are now undergoing analysis under the supervision of the Commission's teams in laboratories in France and the United States of America.

III. CONCLUSION

46. The accumulated effect of the work that has been accomplished over the years since the ceasefire went into effect, between Iraq and the Coalition, is such that not much is unknown about Iraq's retained proscribed weapons capabilities.

47. However, what is still not accounted for cannot be neglected. Even a limited inventory of long-range missiles would be a source of deep concern if those missiles were fitted with warheads filled with the most deadly of chemical nerve agents, VX. If one single missile warhead were filled with the biological warfare agent, anthrax, many millions of lethal doses could be spread in an attack on any city in the region. With that in mind, the Special Commission has undertaken extraordinary efforts to bring to a satisfactory conclusion the full accounting of Iraq's weapons of mass destruction and long-range missiles, in order to be able to make sure that all the proscribed items have been disposed of.

48. The present report describes the many activities carried out over the last six months to seek the full implementation of the mandate given to the Commission. It has been a period of intensive work. The priority issues set out in the joint programme of action of 22 June 1996 have been explored in full, with the difficult questions of secret destruction, provision of documents, concealment and material balance being in focus.

49. A fusion of technical expert work and the political dialogue on the level of the Deputy Prime Minister and the Executive Chairman has been tried. The purpose of turning their bimonthly meetings into a political/technical seminar, with the participation of the Commission's and Iraq's scientific and technical experts, has been to narrow the major outstanding issues to a manageable quantity. With regard to the missile and chemical weapons, the Commission has achieved this objective. More distant from clarity is the biological weapons area where Iraq's presentations are rather chaotic. To help to solve the deficiencies, an agreement was recently reached that both sides should work together in order to arrive at a well-structured declaration which could be a workable basis for the accomplishment of its verification.

50. During the period under review, Iraq has generally cooperated with visiting UNSCOM teams. A major exception has been Iraq's protracted refusal to permit the removal of missile remnants which the Commission, in the beginning of November 1996, had excavated for analysis abroad. This has meant a meaningless delay of four months and prevented a presentation on the issue to the Security Council in the present report.

51. A prerequisite for the implementation of paragraph 22 of resolution 687 (1991) is that the Commission can report that the monitoring of Iraq's industrial, chemical and biological assets, to prevent the acquisition of proscribed weapons and related capabilities, is fully operational. While the system continues to function, certain actions by Iraq in seeking to impede and limit inspection activities and endanger aerial operations call into question Iraq's long-term intentions and constitute a challenge to the system as a whole.

52. The firm commitments made recently by the Deputy Prime Minister to maintain the monitoring system to the satisfaction of the Commission, IAEA and the Security Council, give rise to the hope that the deterioration will be reversed so that the system can again engender the required confidence to assure the international community that Iraq has not resumed prohibited weapons activities.

53. An important element in the acquisition by Iraq of the weapons of mass destruction has been the supplies and other support from abroad. Many Governments have gone to great lengths to give the Commission access to individuals, data and material having significance for the procurement efforts by Iraq. These contributions are helpful in accelerating the implementation of the Commission's mandate. A small number of Governments have chosen so far not to respond to the Commission's repeated and in some cases long-standing requests for information regarding procurement originating in their countries. Without such responses, the verification of certain parts of Iraq's proscribed programmes will be delayed. It would be most unfortunate, if for this reason, the Commission would not be able to report under paragraph 22 of resolution 687 (1991).

54. The assessment of Iraq's policy during the period under review must necessarily be somewhat contradictory. On the one side, Iraq has provided practically no new disclosures. On the other side, on the level of the Deputy Prime Minister, constructive efforts have been made to develop innovative procedures and methods to move forward, and to implement arrangements agreed upon between the two sides. A significant example in this regard is how recently inspectors working to map out Iraq's concealment activities were granted access for the inspection of sensitive sites, in accordance with the Commission's modalities.

55. A solid framework with tested procedures for effective work is in place. It is now time for Iraq to make full use of this and to provide the material and data to give substance to its stated commitment of full cooperation. The remaining problems are such that they cannot be solved through a technical process only. Their solution requires the major political decision by Iraq's leadership to give up, once and for all, all capabilities and ambition to retain or acquire the proscribed weapons. The Commission is well equipped in such an eventuality to act swiftly and effectively in carrying out its obligations. In the meantime, the Commission will continue its inspection activities exposing step by step the various elements of Iraq's weapons programmes.

APPENDIX I

Inspection activities and operational, administrative and other matters

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I. BIOLOGICAL ACTIVITIES

1. In June 1996, Iraq submitted what was stated to be its formal declaration containing its full, final and complete disclosure on the proscribed biological programme. The initial assessment of that document was provided in the Commission's October 1996 report [S/1996/848]. Since then, five verification inspections, information obtained by the Commission and assessments by an international panel of experts have led the Commission to conclude that the June 1996 declaration fails to provide a complete and accurate account of the proscribed biological weapons programme.

2. Verification inspections were conducted in Iraq each month from October 1996 to March 1997. These inspections continued to uncover flaws in accounting for the biological weapons programme and evidence that Iraq is concealing significant aspects of that programme. The October inspection (UNSCOM 159) focused on field trials conducted by Iraq. Information from interviews, supported by documentation, indicates more field trials than have been acknowledged by Iraq. A disturbing incident, which occurred in October 1996, was an attempt during a break in an interview by a senior Iraqi official to convince the Iraqi expert being interviewed to change his statements.

3. In November 1996, an inspection team (UNSCOM 163) was unsuccessful in collecting samples of the biological warfare agents used in testing because of the apparent unwillingness of Iraq to identify the specific relevant locations. In December 1996, Iraq's declaration on the destruction of missile warheads which had been filled with biological agents, was the subject of verification. The Commission has clear evidence that such destruction did not take place at the location on the date declared by Iraq. Recent explanations provided by Iraq have not clarified the issue.

4. A mission in January 1997 (UNSCOM 169) attempted to verify declared production of bulk biological warfare agents. Inconsistencies in the declaration made such verification difficult. No documents have been provided to support Iraq's assertions that do not fit information otherwise known to the Commission. In several areas, essential personnel were not made available for interview. In the light of these problems, verification was impossible.

5. In February 1997, a team (UNSCOM 173) carried out excavation at one of the sites involved in the secret destruction. The excavation produced, amongst other remnants, three virtually intact bombs of the type Iraq declared as biological weapons. These bombs will be sampled by an expert team.

6. In February and March 1997, an inspection team (UNSCOM 174) attempted to establish the facts concerning Iraq's decision-making process aimed at concealing the biological weapons programme. As in January 1997, some key personnel, despite requests provided in advance, were not

made available. Attempts were made by some personnel interviewed to conceal the nature and scope of the relevant decisions taken.

7. In March 1997, the Commission convened an international panel of experts to review and assess the status of the declaration on the proscribed biological weapons programme. The experts concluded, *inter alia*, that Iraq had failed to report all imports of equipment and materials, in particular growth media. It had under-reported the production of bulk biological warfare agents. The stated production of aflatoxin could not have happened as declared. The declarations on destruction was not supported by sufficient evidence and it failed to provide a full accounting of procurement activities for the biological weapons programme.

8. During the April meetings in Baghdad, the Chairman made it clear that Iraq's June 1996 declaration did not provide a basis for proper verification activities. As mentioned in the main body of the report, Iraq agreed to the Chairman's proposal that a new declaration be prepared.

Monitoring activities

9. Eighty-six sites are currently under regular monitoring by the Commission's resident biological teams. In addition, the Commission sent specialized expert teams into Iraq to conduct inspections focusing on documents and equipment. Multi-disciplinary inspections were undertaken. Several pieces of significant undeclared equipment, spare parts and supplies were discovered during these inspections.

10. Iraq has still not declared all sites where dual-use biological equipment is present. The Commission's resident monitoring team continues to identify such sites that should have been declared by Iraq.

11. For several key biological sites, Iraq is required to provide, on a monthly basis, information on ongoing activities. On a number of occasions, Iraq did not provide the required information on changes which have been uncovered. Although the ongoing monitoring process started in April 1995, the monitoring team still finds discrepancies in what has been reported to the Commission.

II. Chemical activities

12. During the period under review, the Commission's non-resident chemical teams have conducted four inspections. In December 1996, UNSCOM 170 conducted a sampling mission in Iraq in an effort to verify the secret destruction of chemical weapons-related compounds. Another team, UNSCOM 171, found significant amounts of empty dual-use munitions which Iraq had evaluated for use in its chemical weapons arsenal, but not declared to the Commission. Six such items have been removed to the Baghdad Monitoring and Verification Centre and will be transferred out of Iraq for further analysis.

13. The Commission's efforts to verify Iraq's declaration containing its full, final and complete disclosure in the chemical area, provided to the Commission in June 1996, have revealed that it contains inaccuracies and needs to be completed in certain respects. After April 1991, Iraq retained parts of its chemical weapons capabilities, including equipment which it later declared to have been destroyed secretly or transferred for use in activities unrelated to proscribed purposes. However, the Commission has not been able to verify the secret destruction and has found that certain capabilities, contrary to Iraq's assertions, had actually been used in its chemical weapons programme.

14. With respect to the special warheads for proscribed missiles, both produced for chemical and biological weapons, Iraq has still not provided a credible account on quantities and types of warheads produced, the timeframe for their production and filling, and the alleged secret destruction. The Commission has evidence that Iraq has provided incorrect information in this respect. From the analysis of documents, obtained through inspections, the Commission has found that not all chemical bombs have yet been declared by Iraq. Thus, the accounting for chemical munitions remains unsolved.

15. The final disposition of the programme for the production of the highly lethal nerve agent VX remains unresolved. Iraq denied VX activities until 1995 when it was confronted by evidence presented by the Commission. Even following on its admission, Iraq still understates its achievements in the production of VX, asserting that it only carried out such VX activities on the laboratory/pilot plant scale. It claims to have secretly destroyed hundreds of tons of VX precursors in 1991. The Commission has evidence that Iraq obtained the technology and certain equipment for the large-scale production of VX.

16. Dual-use equipment which had been employed in the production of chemical weapons and analytical equipment to ensure the quality control of chemical warfare agents produced, is another area of concern. Several pieces of such equipment still remain in Iraq.

17. Iraq has admitted that, during the summer of 1988, a major decision to improve its chemical weapons capabilities was taken at the highest level. In the absence of some essential documentation, the Commission does not have a comprehensive understanding of the extent and aims of the chemical weapons programme in its later phase. This affects the monitoring regime.

18. Iraq has not disclosed "know-how" documentation, such as chemical weapons production manuals, and commercial contracts for Iraq's chemical weapons programme. The Commission can only conclude that they are being retained in order to resume proscribed production.

19. The Chairman brought the above concerns to the attention of the Deputy Prime Minister at the meeting in February 1997. During the discussions, the Deputy Prime Minister acknowledged that Iraq needed to address the Commission's concerns and promised to clarify some of the problems. Subsequently, Iraq provided some written clarifications. At the end of March 1997, a team of international chemical experts held technical talks with the Iraqi side, in preparation for the visit of the Chairman to Baghdad in April. The Chairman and the Deputy Prime Minister discussed the results of the technical level meeting. The Chairman underlined the importance of resolving the limited number of outstanding issues and urged Iraq to provide the necessary clarifications together with verifiable evidence. Iraq undertook to respond.

Monitoring activities

20. Since its establishment in October 1994, the resident chemical monitoring group has conducted over 550 inspections. Some 150 facilities in Iraq are being regularly inspected. The current multinational group consists of 11 inspectors and laboratory technicians with backgrounds in analytical chemistry, process chemistry, explosive ordnance disposal, and chemical weapons production.

21. The Commission recently deployed an Open-path Fourier Transform Infrared Spectrometer air monitoring system to collect infrared spectral signatures at a number of industrial facilities and chemical storage sites. This remote-sensing technology will assist the Commission by adding to its baseline monitoring information as well as to the historical database of emission activities.

22. On 16 January 1997, Iraq provided its semi-annual chemical declaration required under the plan for ongoing monitoring and verification. Some improvement has been noted by comparison with the previous declaration but it still does not meet the established requirements in full.

23. The Commission's monitoring teams have discovered some 200 key pieces of undeclared dual-use equipment, such as heat exchangers, glass reactor vessels and distillation columns capable of use in proscribed chemical weapons activities. Also about 800 pieces of related equipment have been located. These discoveries point to the fact that Iraq is not meeting in full its requirements with respect to reporting on its holdings of dual-use equipment.

III. Missile activities

24. During the reporting period, the Commission has continued its efforts to verify Iraq's declaration containing its full, final and complete disclosure in the missile area submitted in July 1996. Key outstanding issues were discussed at two rounds of political level talks held between the Deputy Prime Minister and the Chairman. During the December round, the Commission presented in great detail its concerns which focused on the accounting of Iraq's proscribed operational missile assets. As a result of the

Commission's investigations, it had become apparent that Iraq had not presented sufficient evidence to account for the destruction of all proscribed missiles. Iraq's declarations on the secret destruction were inconsistent with facts established by the Commission. In an attempt to mislead the Commission, Iraq had tried to falsify evidence of this destruction. The Commission's investigations have also revealed a number of other areas requiring additional explanation and clarification. The Chairman stressed the Commission's concerns on Iraq's decision to conduct the secret destruction of the proscribed operational missiles assets in 1991 in violation of resolution 687 (1991). In particular, these concerns related to the political decisions taken to carry out such destruction, dissemination of follow-up orders and the actual implementation of these orders. In a letter of 4 November 1996, the Chairman requested Iraq to provide specific documentation related to the secret destruction in order to speed up effective verification. So far no response has been received from Iraq.

25. The arguments put forward by Iraq at the December meetings, which were aimed at proving that it had already accounted for all proscribed operational missile assets, were not satisfactory. The Deputy Prime Minister acknowledged that further work needed to be done by Iraq and suggested that the issue be discussed again during the next round of political level talks in February 1997.

26. During the February talks, Iraq presented its explanations which enabled further progress in the accounting for proscribed missiles. Iraq offered new clarifications on the numbers of missiles and missile launchers that had been secretly destroyed in 1991 as well as on the procedures and methods used. After the February round, in response to the Commission's request, Iraq presented new explanations on the material balance in such areas as missile fuels and missile guidance systems. These will be the subject of further verification. The Commission still awaits a report on the sites of the secret destruction and the provision of documentation in response to its specific requests.

27. In order to obtain solid data on the destroyed missiles, the Commission decided to excavate the remnants for technical analysis. After a prolonged delay described in the main body of the present report, on 23 February 1997, Iraq finally agreed to the removal of the remnants. The Commission then convened a seminar of international experts from 17 to 21 March 1997. The seminar was attended by representatives of national laboratories that offered to perform technical analysis, as well as experts who form the Commission's supervisory teams at these laboratories. The seminar participants conducted an examination of every engine to determine specific taskings for each laboratory. The seminar worked out procedures for speedy and effective analysis of the missile remnants and established practical modalities for the Commission's supervision of this work. The analytical work started in the United States and French laboratories, on 24 March and 7 April 1997, respectively. The Commission believes that this technical analysis will provide valuable data for verification of methods and procedures for the secret destruction, shed light on Iraq's efforts to produce missile engines and their components, and thus help to resolve the issues related to the counting of missiles.

28. Separately, the excavation of missile remnants was resumed in January 1997, under the supervision of a new team (UNSCOM 177). This time the search was extended to the declared sites of the secret destruction. As a result of this two-month long effort, an additional four complete engines were found that had not previously been presented by Iraq to the Commission. This discovery proved that the Commission's assessment at the December meetings that not all engines had been accounted for and presented for verification, was correct.

29. The Commission continued its inspections to verify Iraq's full, final and complete disclosure submitted in July 1996. Pursuant to the joint programme of action of 22 June 1996, this effort focused on material balances regarding missiles and related materials, as well as specialized tools used in Iraq's production of prohibited missiles. In order to verify the material balance, the Commission sought to establish the "chain of custody" that would account for relevant items in the period of time after the adoption of resolution 687 (1991) until the time when Iraq declared that the items had been destroyed. Owing to the lack of documentation, the Commission has to continue to resort to interviews of the personnel involved in relevant activities.

30. During the reporting period, the Commission conducted two full, final and complete disclosure verification missions. The first one, UNSCOM 168 in November 1996, attempted to trace the movement and storage of proscribed items primarily related to Project 1728, the main Iraqi effort to produce proscribed missile engines. Through interviews and site inspections, including excavation at the location of a hide site, the Commission was able to obtain some evidence that corroborated portions of Iraq's declarations on the secret destruction. However, many inconsistencies were revealed between information in the full, final and complete disclosure and the facts available to the Commission. Additional efforts will be required by Iraq to account fully for proscribed items and equipment related to Project 1728. The team also pointed to inconsistencies in the material balance of proscribed components related to the Karama project, the main activity in Iraq to produce guidance and control systems for proscribed missiles. The UNSCOM 168 team undertook preparatory work for the December political level talks which included interviews of personnel involved in the storage, movement and destruction, and in accounting of proscribed missile assets declared to have been secretly destroyed in 1991.

31. In January 1997, the UNSCOM 176 team was sent to receive a number of explanations that had previously been requested, to discuss them with Iraqi counterparts and to conduct interviews to verify relevant parts of the full, final and complete disclosure. However, it turned out that most of the explanations sought were not ready although some of them had been requested well in advance. Despite repeated requests since September 1996, Iraq failed to provide access to personnel with knowledge of certain events relevant to the secret destruction. The situation deteriorated to the point where the team had to suspend its activities. Although later on Iraq provided or offered to provide the documents requested, the UNSCOM 176 effort was essentially wasted and valuable time was lost in verification of Iraq's full, final and complete disclosure.

32. In verifying Iraq's declarations, the Commission has spent considerable effort in mapping out Iraq's proscribed missile programme. In 1994, in a spirit of cooperation, the Commission even undertook to write a history of Iraq's proscribed missile programme so that Iraq could authenticate it as an official description of relevant Iraqi activities. By mid-1995 this project was close to its completion with many parts certified by Iraq as accurate. However, shortly thereafter, it became obvious that, in many important aspects, Iraq had been intentionally misleading the Commission by providing incorrect information as cover for important progress achieved in its proscribed missile programmes. This required the Commission to resume verification of those areas.

33. During the reporting period, the Commission made progress in the verification of the new full, final and complete disclosure of July 1996. However, in a number of cases, the Commission found that it was incorrect and incomplete. A new impetus was given through the December round of political level talks between the Deputy Prime Minister and the Chairman with Iraq's undertaking to address thoroughly the Commission's concerns. After December, Iraq submitted a number of new papers related to the issues discussed at the meeting. These are currently under study.

Monitoring activities

34. During the reporting period, the missile monitoring teams have conducted over 250 inspections and have actively participated with other resident teams in joint inspections of sites of inter-disciplinary interest. In addition, the Commission has conducted two special monitoring inspections related to non-proscribed missile systems, i.e., those with a range of less than 150 kilometres. In November and December 1996, the monitoring teams conducted the second and third of the annual checks of Iraq's non-proscribed operational missile systems. The missions ascertained that these missiles had not been modified for prohibited purposes. In March 1997, UNSCOM 181 carried out inspections of a selected group of military units in order to verify that the relevant sites were not involved in training, maintenance or operation of prohibited missile systems. No evidence of proscribed activities was found.

35. Since the adoption of resolution 687 (1991), Iraq has continued undeclared missile programmes. The Commission has uncovered specific cases of proscribed missile activities. Iraq has also been engaged in covert acquisition of missile components and technologies. Such Iraqi activities remain under close scrutiny and are being investigated both through ongoing monitoring and special inspections.

36. In October 1996, the UNSCOM 164 team investigated Iraq's missile-related procurement efforts since 1991. In late 1995, Iraq acknowledged some of those procurement activities, including actual deliveries, and provided information on orders placed through middlemen and front companies for the acquisition of proscribed or dual-use equipment, technologies and materials for its missile facilities. Through inspection of a number of industrial sites and trading companies, the UNSCOM 164 team gathered information related to these procurement efforts that allowed it to close some gaps in the Commission's understanding of Iraq's activities. Some issues of concern still remain, including an undeclared attempt to obtain foreign assistance in the area of a proscribed key missile engine component. The Commission intends to continue to conduct inspections and investigations related to recent or current procurement activities by Iraq as part of its ongoing monitoring.

37. The Commission continues to send to Iraq specialized teams to perform technical analysis of Iraq's current programmes to develop and manufacture non-proscribed missile systems. In January 1997, UNSCOM 166 reviewed progress activities related to the Samoud missile, which has a declared range of less than 150 kilometres and is therefore not prohibited under resolution 687 (1991). Through this review, in addition to monitoring activities by the resident missile team, relevant Iraqi declarations on the project were corroborated.

38. The UNSCOM 166 team discovered evidence of Iraq's effort related to a space launch vehicle after the adoption of resolution 687 (1991). The team obtained conclusive proof of an attempt in 1992 to simulate a space launch vehicle based on a proscribed missile system. Evidence was also obtained of a study in 1994 and 1995 of a space launch vehicle based on a non-proscribed missile system. Space launch vehicles are prohibited to Iraq.

39. The UNSCOM 166 team made several requests to Iraq to provide computer software and documents related to the issues under the team's investigation. In a number of cases, Iraq refused to provide access to the information requested. Although most of the documents were provided later on, the lack of cooperation on the part of Iraq during the inspection significantly hindered the team's ability to accomplish fully its tasks.

40. Since the Commission's monitoring system in the missile area became operational in August 1994, Iraq's non-proscribed activities in the missile area have moved closer to a production phase. This requires modifications to the current monitoring practices in order to enable the Commission to accomplish effectively its tasks. As the export-import mechanism has become fully operational, a closer coordination with the export-import monitoring activities will be required. A review of the monitoring regime and practices is currently under way. The Commission is addressing a number of specific issues in order to maintain the effectiveness of its monitoring system and meet new challenges.

41. Overall, the reporting period resulted in substantial progress in the missile area. However, it fell short of the Commission's expectations due to Iraq's non-cooperation and its reluctance to provide in an open and transparent manner declarations required of it, including documentary support. The Commission will continue its intensive verification efforts pursuant to the priorities and methods established in the joint programme of action of 22 June 1996.

IV. NUCLEAR ACTIVITIES

42. The Special Commission continues to provide logistical and other operational support for IAEA operations in Iraq, to designate sites for inspection and to receive and advise on requests from Iraq to move or use any material or equipment related to Iraq's nuclear weapons programme or other nuclear activities. The Commission's nuclear experts also participate in the nuclear aspects of the export-import monitoring mechanism on the analysis of the content of notification forms, in coordination and cooperation with IAEA.

43. Commission experts have participated in some ongoing monitoring and verification activities of the IAEA in December 1996 and March 1997. Multi-disciplinary inspections have been conducted and additional missions of this sort are planned in the coming year. Closer integration between the Commission's and the IAEA's systems continues to be implemented. Regular meetings are held in both Vienna and New York to exchange information and to plan cross-disciplinary inspections. The Commission's experts continue to participate in the IAEA negotiations with the Russian Federation regarding the sale of the nuclear fuel removed from Iraq and reprocessed in the Russian Federation.

V. CONCEALMENT INVESTIGATIONS

44. In its October 1996 report, the Commission stated that "there was an organized mechanism of concealment used by Iraq to deny access to proscribed documents and material retained since the adoption of resolution 687 (1991)" and expressed its intention to pursue all aspects of its investigation of concealment activities.

45. In November 1996, the UNSCOM 158 team carried out a geophysical mapping survey of a villa where proscribed missile equipment, tools and materials had been buried. This villa was owned by a member of the Special Republican Guard who, in the summer of 1991, together with additional Special Republic Guard officers, received several tons of proscribed material in order to keep it from the Commission. Although the Iraqi authorities had admitted that such activity had occurred, their answers to the Commission's questions concerning the scope of the effort, its timing, and the command structures were evasive. The Commission was able to determine precisely where the items had been buried, and subsequent excavation uncovered some remnants of the materials.

46. Undeclared sites inspected by the UNSCOM 158 team consisted of Special Republican Guard facilities and a residence used in the past for procurement activities. No proscribed material was found at any of the sites. In the case of the inspection of one of the Special Republican Guard sites, the inspectors were denied access for several hours. The UNSCOM aerial inspection team was likewise denied overflight of the facility. These actions constituted a breach of Iraq's obligations under the relevant resolutions of the Council.

47. In December 1996, the Commission continued its investigation by examining, jointly with IAEA, the concealment activities between January and July 1991, involving the Engineering Design Centre - Iraq's centrifuge and gaseous diffusion enrichment projects. The results of this mission are still being assessed, although patterns of Iraq's behaviour in this area appear to have mirrored known concealment activities in other areas. In March 1997, IAEA excavated three declared equipment burial sites south of Lake Tharthar and unearthed hundreds of items relating to Engineering Design Centre operations. Although many of these items are consistent with Iraq's declaration, a previously undeclared and highly expensive cache of unused specialized, corrosion resistant valves was found. The excavation exercise was facilitated by the utilization of geophysical sensors provided through UNSCOM.

48. In November 1996 and March 1997, UNSCOM 128 and UNSCOM 179 conducted a series of underwater surveys in Iraq using a combination of sonar and electromagnetic sensors.

49. In March 1997, the Commission undertook a major investigation of the concealment mechanism. An inspection team, UNSCOM 182, visited 17 sites looking for possible connections between concealment activities and elements of the Special Republican Guard. Other sites visited included those belonging to Iraq's Intelligence Service (Mukhabarat), the Special Security Organization, the General Security Service and the Military Intelligence. No proscribed material or activity was found. The Commission welcomes Iraq's cooperation in providing access to the sensitive sites for inspection.

50. Through political level meetings and inspection activities, the Commission has continued to ask for Iraq's response to its questions related

(b) concealment activities. The October 1996 report mentioned such issues as movement of "Scud-like" objects in the vicinity of a site designated for inspection by UNSCOM 153 in July 1996, concealment of documents at the "Muthanna State" and diversion activities related to Iraq's major prescribed missile projects. Iraq's failure to provide its response delays the continuation process.

51. The investigation of the concealment mechanism in Iraq is an ongoing process. The joint programme of action of 22 June 1996 singled out this area as a priority and fundamental issue for verification. No final accounting of proscribed materials and activities can be achieved without a complete understanding of the procedures and structure of the concealment activities in Iraq. Ongoing monitoring cannot be viewed in total confidence without the Commission's being sure that the concealment mechanism has been dismantled completely and is no longer functioning. The Commission will continue to conduct such investigations as an integral part of its overall activities.

(c) *Office space*

52. The working conditions at the Baghdad Centre continue to improve with the addition of six rooms which will relieve overcrowding and provide more secure work spaces. The Commission is particularly grateful to the Government of Switzerland, which has repeatedly provided skilled craftsmen to renovate the Centre.

53. The Chilean Air Force has supported the Commission since August 1996 through the provision of a detachment of five Bell UH-1H helicopters and 41 personnel. They have conducted over 1,000 hours of accident-free aerial support in Iraq. The new type of helicopter and their number have added greater flexibility to monitoring operations. Multiple missions each day are now possible. The Chilean helicopter unit has performed resolutely and professionally in the face of escalating Iraqi efforts to harass, intimidate and at times threaten the Commission's aerial operations. The Government of Chile and its personnel working in Iraq are to be commended for their important contribution. The Chairman visited Chile in March 1997 and held discussions with senior officials on the operations of the Chilean helicopter unit provided to the Commission and IAEA.

54. The Baghdad-based aerial inspection team has adapted well to the introduction of the new type of helicopters and the imagery produced by the team has been of consistent quality. The team continues to provide support to the monitoring teams and to non-resident inspection teams. Some 400 missions have been completed to date. As mentioned earlier in this report, the team has been subjected to a number of efforts by Iraq to restrict its activities.

55. The imagery derived from the Commission's high altitude surveillance aircraft (U-2) continues to be an important element in the Commission's and IAEA inspection activities. Some 350 missions had been flown up to the end of March 1997.

B. *Finance*

56. The financial situation facing the Commission has been precarious, particularly during 1996. In a letter of 5 November 1996 to the President of the Security Council, the Chairman pointed out that, as there had been no new cash contributions to the Commission in the previous six months, funds were running out. During a visit to the member States of the Gulf Cooperation Council in November 1996, the Chairman received firm assurances of strong political support for the Commission's activities as well as an undertaking to provide financial support to the Commission. Two Gulf Cooperation Council States provided voluntary contributions to the Commission during January 1997 totalling $5 million. The Commission is particularly grateful to those Governments for their continued support.

57. The Commission is now receiving funds for the implementation of resolution 986 (1995). This should cover the operational costs of the Commission up until the middle of 1997. The voluntary contributions noted in the preceding paragraph will be drawn upon should funding from resolution 986 (1995) cease.

(c) *Material support*

58. The Commission remains grateful to all States that have continued to provide the Commission with material support in the conduct of its operations. A notable contribution is the continued generous provision of premises by Bahrain for the Commission's field offices. The Secretary-General and the Director General of IAEA have recently written to the Minister for Foreign Affairs of Bahrain proposing a further six-month extension of the field office agreement until the end of September 1997, as they deem Bahrain's contribution to be a vital element in the operations of the Commission and IAEA under the Security Council resolutions.

(d) *Office space*

59. Office space at the Commission's headquarters in New York remains a serious problem. However, additional office space is now being made available on the 30th floor, adjacent to the Commission's existing offices on that floor. This should provide some relief of the current onerous space, but does not solve all of the Commission's urgent needs.

APPENDIX II

Inspection schedule in the reporting period, October 1996–April 1997

(Documents series)

Nuclear

1 October–22 October 1996	NMG 96-11
22 October–13 November 1996	NMG 96-13
13 November–2 December 1996	NMG 96-16
2 December–19 December 1996	NMG 96-17
19 December–8 January 1997	NMG 96-18
9 January–30 January 1997	NMG 97-01
30 January–20 February 1997	NMG 97-02
20 February–15 March 1997	NMG 97-03
15 March–3 April 1997	NMG 97-04

Chemical

29 November–11 December 1996	CW 27/UNSCOM 135
2 December–6 December 1996	CW 23/UNSCOM 170
14 December–15 January 1997	CG 8
10 January–18 January 1997	CW 34/UNSCOM 171
27 March–31 March 1997	CW 35/UNSCOM 175
16 January–present	CG 9

Biological

29 September–7 January 1997	BG 7
14 October–23 October 1996	BW 41/UNSCOM 159
13 November–18 November 1996	BW 43/UNSCOM 163
2 December–8 December 1996	BW 42/UNSCOM 160
12 December–17 December 1996	BW 44/UNSCOM 167
7 January–1 April 1997	BG 8
9 January–20 January 1997	BW 45/UNSCOM 169
12 February–19 February 1997	BW 46/UNSCOM 173
24 February–1 March 1997	BW 47/UNSCOM 174
2 April–present	BG 9

Ballistic missiles

9 August–22 November 1996	MG 10
21 October–28 October 1996	BM 44/UNSCOM 164
4 November–16 November 1996	BM 46/UNSCOM 168
9 November–16 November 1996	BM 45/UNSCOM 158
11 November–16 November 1996	MG 10B
22 November–25 February 1997	MG 11
18 November–30 November 1996	BM 38D/UNSCOM 141D
27 November–2 December 1996	MG 11A
11 December–14 December 1996	Special Mission 4
6 January–25 January 1997	BM 47/UNSCOM 177
10 January–20 January 1997	BM 48/UNSCOM 166
20 January–27 January 1997	BM 49/UNSCOM 176

6 February–26 February 1997	BM 47A UNSCOM 177A
26 February–present	MG 12
2 March–13 March 1997	BM 51 UNSCOM 179
4 March–13 March 1997	BM 52 UNSCOM 181
7 March–17 March 1997	BM 53 UNSCOM 182
Export/import missions	
3 August–20 November 1996	EG-2
14 November–25 November 1996	EXIM-3 UNSCOM 165
21 November–8 January 1996	EG-3
9 January–present	EG-4
Special missions	
19 October–21 October 1996	
21 November–25 November 1996	
8 December–11 December 1996	
20 February–23 February 1997	
3 April–5 April 1997	

A complete list of the Commission's inspections prior to the period covered by the present report is available in the Commission's October 1996 report [*ibid.*].

DOCUMENT S/1997/304

Progress report of the Secretary-General on the United Nations Angola Verification Mission (UNAVEM III)

[*Original: English*]
[*14 April 1997*]

I. Introduction

1. The present report is submitted pursuant to paragraph 6 of Security Council resolution 1102 (1997) of 31 March 1997, by which the Council extended the mandate of UNAVEM III until 16 April 1997 and requested me to report by 14 April on the status of the installation of the Government of Unity and National Reconciliation. The report covers developments since my last report, dated 25 March [*S/1997/248*].

II. Status of the formation of the new Government

2. On 31 March, I briefed the Security Council on my visit to Angola from 22 to 25 March 1997. I also described the extensive efforts which have been made recently to further the peace process in Angola and, in particular, to ensure the earliest possible installation of the Government of Unity and National Reconciliation. In addition, the members of the Security Council will recall that, following the arrival in Luanda of 63 out of 70 elected deputies of the União para a Independência Total de Angola (UNITA) and of all 11 of its designated officials, the Government and UNITA agreed that the UNITA deputies would take their seats in the National Assembly on 9 April and that the Government of Unity and National Reconciliation would be installed on 11 April.

3. An extraordinary session of the Joint Commission was held on 31 March to confirm those arrangements. Consensus was also reached at that meeting on the draft text of the document on the special status of Mr. Jonas Savimbi as president of the largest opposition party. It was agreed that the document would be promulgated as law by the National Assembly before 9 April. The Government confirmed that date in a communiqué issued on 31 March. However, on 2 April 1997, the Political Bureau of the Popular Movement for the Liberation of Angola (MPLA) also issued a communiqué in which, while reaffirming the dates for the swearing-in ceremony of the UNITA members of Parliament and the inauguration of the Government of Unity and National Reconciliation, it demanded that other important tasks deriving from the Lusaka Protocol [*S/1994/1441*] be implemented without further delay. It also suggested that the draft legislation on the special status of the UNITA leader should be approved by the National Assembly only after the UNITA deputies had assumed their seats. However, following additional consultations conducted with the support of the representatives of the three observer States (Portugal, Russian Federation and United States of America), my Special Representative, Mr. Alioune Blondin Beye, was able to make a statement clarifying the situation and confirming the agreements reached earlier.

4. On 8 April, the National Assembly enacted into law the text on the special status of Mr. Savimbi, which was adopted with minor amendments. That legislation, which can be amended or suspended only with the consent of the president of UNITA, defines his rights, duties and immunities. As scheduled, on the following day, 67 out of 70 UNITA members were sworn in at a ceremony which was attended by members of the Government, the Council of the Republic and representatives of the diplomatic corps. The remaining three deputies were unable to arrive in Luanda in time, owing either to illness or to difficulties with transportation. Subsequently, the National Assembly elected from among UNITA deputies a second vice-president and a second secretary of the Assembly.

5. On 11 April, the Government of Unity and National Reconciliation was inaugurated, during a solemn ceremony attended by Heads of State and Government and other dignitaries from various countries, including the Secretary-General of the Organization of African Unity (OAU) and the representatives of the three observer States. Mr. Savimbi sent a special message which was read out by the UNITA vice-president. As expected, Prime Minister Fernando França Van Dunem and most ministers in the previous Government were reappointed, together with four ministers and seven vice ministers from UNITA. This important event marks a milestone in the Angolan peace process.

III. Military and police aspects

6. At the session of the Joint Commission held on 31 March, particular concern was expressed at the slow pace of the incorporation of selected UNITA soldiers into the Ango-

lan Armed Forces (FAA) and into the Angolan National Police. Neither process has advanced substantially since my last report to the Security Council [*S/1997/248*]. The Joint Commission decided to dispatch four special groups composed of representatives of the Government, UNITA and UNAVEM to visit quartering areas/selection and demobilization centres to assess the situation and to identify steps which have to be taken in order to accelerate the incorporation of UNITA soldiers into FAA and the national police and the demobilization of excess personnel. Those recommendations, which include the need to improve coordination and logistic support to the above processes as well as the need to issue specific instructions for UNITA commanders in the quartering areas, will be considered by the Joint Commission shortly.

7. As of 10 April, of 18,558 UNITA troops selected, 7,949 had in fact been incorporated into FAA. While the quartering of UNITA police has now been formally concluded, only slightly more than 500 of them, out of a total of 5,040, have been selected for service in the national police. It appears that the stringent educational, age and fitness criteria which have been applied so far have excluded many potential candidates from possible selection. In the meantime, the beginning of the rapid demobilization programme, which is described in paragraph 12 below, has been postponed several times, creating additional hardship for UNITA soldiers and their families and imposing further financial difficulties on the United Nations.

8. The large number of deserters and absentees from the selection and demobilization centres remains a source of serious concern. Efforts are under way to make ex-combatants aware of the benefits of demobilization, in order to encourage those who left the quartering areas to return as soon as possible. With regard to command posts, UNITA has declared that their four remaining centres have now been dismantled, and this is being verified by UNAVEM III. The United Nations is also continuing to encourage the parties to dismantle a total of 135 illegal checkpoints, 77 of which belong to UNITA. In addition, UNAVEM is still awaiting from UNITA complete information concerning the strength and weaponry of the security detachment of the UNITA president.

9. UNAVEM III is proceeding with the gradual withdrawal of its formed military units. The next repatriation, of approximately 220 military personnel, is scheduled for 20 April. As a result, the strength of UNAVEM's military units will have been reduced by approximately 30 per cent. As previously indicated, this phased drawdown will continue, while taking into account the situation on the ground. However, under present plans, it is still my intention to complete the process by the end of August 1997.

10. I am seriously concerned at recent reports of involvement by the Angolan parties in the Zairian conflict. I discussed this issue with President dos Santos and Mr. Savimbi during my recent visit to Angola. Both of them denied that they were providing support to the warring parties in Zaire. Obviously, such interference would have very serious consequences not only for the peace process in Angola, but also for the ongoing efforts to bring the current crisis in Zaire to an end, in accordance with the peace plan endorsed by the Security Council.

IV. Humanitarian aspects

11. During the reporting period, humanitarian activities throughout the country continued to focus on the completion of the demobilization process, acceleration of the social reintegration of ex-combatants and their dependants, as well as on the reconstruction of basic services in order to absorb large population influxes. However, a number of security incidents have hindered humanitarian activities in the central and southern regions of the country, while difficulties continue to be experienced with the free circulation of people in the areas controlled by UNITA in the northern and eastern parts of Angola. In the meantime, some 2,000 new internally displaced persons from UNITA areas recently arrived in the vicinity of the city of Malange.

12. As of 12 April 1997, a total of 2,124 under-age UNITA military personnel have been demobilized from eight selection and demobilization centres. Following the disbursement by the Government of the funds for a special subsidy, a new schedule was approved for the rapid demobilization of excess UNITA personnel in the central and southern regions. This exercise is scheduled to begin on 14 April 1997 in Vila Nova, to be continued in Londuimbali and Quibala on 21 April and at the Chicuma and N'Gove quartering areas on 28 April. In the meantime, the Government is adopting additional steps to ensure that the mechanism for the disbursement of the discharge subsidy through a provincial network becomes fully operational. In a welcome development, the staff for the demobilization offices in Luanda and the provinces has been selected from among Government and UNITA candidates.

13. The planned transition of the responsibility for support of the national mine-clearance programme in Angola from UNAVEM to the United Nations Development Programme (UNDP) has been seriously delayed primarily because the Government has not yet signed the project document which was submitted for its approval in January 1997. In the present circumstances, I believe it would be essential, as an interim measure, to continue to provide operational support to this important programme on a cost-reimbursable basis from the Department of Humanitarian Affairs at least until the end of June 1997. Unless urgent steps are taken to implement transitional arrangements as described in my previous reports to the Council, the entire programme may be undermined and additional effort might be required to sustain it after June.

V. Financial aspects

14. As indicated in paragraph 33 of my report of 25 March 1997 [*ibid.*], the General Assembly has provided resources for the maintenance of UNAVEM III for the period from 1 July 1996 to 30 June 1997, to be assessed on Member States at a monthly rate of $22,996,400 gross ($22,496,800 net), subject to the extension of the mandate of the Mission by the Security Council.

15. Should the Security Council decide to extend the mandate of UNAVEM III, as recommended in paragraph 20 of the present report, the cost of maintaining the Mission would be within the monthly rate indicated above.

16. As at 9 April 1997, unpaid assessed contributions to the UNAVEM special account for the period since the inception of the Mission amounted to $93.0 million. The total outstanding assessed contributions for all peacekeeping operations was $1,659.0 million.

VI. OBSERVATIONS

17. The developments of the last two weeks in Angola have been very encouraging. Never before has the country been so close to the final resolution of its devastating conflict and to the attainment of lasting peace.

18. The approval by the National Assembly of the legislation concerning the special status of the UNITA president, the swearing-in of the UNITA deputies in the National Assembly and the inauguration of the Government of Unity and National Reconciliation mark an essential step forward in the peace process. The Angolan people and their leaders should be congratulated on their determination, patience and perseverance. It is my sincere hope that rapid progress can now be made in completing the implementation of other aspects of the Lusaka Protocol in a spirit of cooperation and mutual accommodation. I also hope that the long-awaited meeting between President dos Santos and Mr. Savimbi will soon take place, in order to consolidate the progress which has been achieved towards national reconciliation.

19. However, much remains to be done. With the establishment of the Government of Unity and National Reconciliation, the parties should move expeditiously to normalize State administration throughout the whole country, to complete the formation of the unified armed forces and the national police, as well as to demobilize the excess UNITA military personnel. Urgent and resolute steps are also needed to complete the other pending issues, including the status of the UNITA radio and of the security detachment of Mr. Savimbi, the disarmament of the civilian population, the dismantling of illegal command posts and checkpoints, as well as the handover by UNITA of its communication equipment.

20. I am convinced that the international community should remain engaged in Angola until the goal of full implementation of the Lusaka Protocol is achieved. In the meantime, since the Government of Unity and National Reconciliation has now been inaugurated, I recommend that the Security Council approve the extension of the mandate of UNAVEM III until 30 June 1997, on the understanding that the operation would gradually proceed with the transition towards an observer mission, as described in section VII of my report of 7 February 1997 to the Security Council [*S/1997/115*]. The required transitional arrangements would be financed from within the resources already allocated for the Mission by the General Assembly (see para. 14 above). Should the Security Council agree to extend the mandate of UNAVEM III, as suggested above, I would further recommend that the observer mission, to be known as the United Nations Observer Mission in Angola (UNOMA), be formally established on 1 July 1997. It is my intention to submit the financial implications for UNOMA to the Council well in advance of that date.

21. The main activities of the Observer Mission, in addition to the completion of the remaining military tasks, would focus on political, police and human rights aspects, as well as on humanitarian and public information programmes aimed at supporting and consolidating the national reconciliation process, with a view to creating conditions conducive to political stability, economic and social recovery and sustainable development.

ANNEX

UNAVEM III—Contributions as at 10 April 1997

Country	*Military observers*	*Civilian police officers*	*Staff officers*	*Troops*[a]	
Bangladesh	10	21	11	203	245
Brazil	20	9	35	911	975
Bulgaria	10	15			25
Congo	4				4
Egypt	10	15	1[b]		26
France	8	—	11[b]	—	19
Guinea-Bissau	19	4			23
Hungary	10	7			17
India	20	11	47	900	978
Jordan	20	22	2[b]	—	44
Kenya	10	—			10
Malaysia	20	20	2[b]	—	42
Mali	10	15	—	—	25
Namibia	—	—	4	203	207
Netherlands	15	10	2[b]	—	27
New Zealand	5	—	7[b]	—	12
Nigeria	22	21	—	—	43
Norway	5	—	—	—	5
Pakistan	10	—	15[b]	—	25
Poland	7	—	—	—	7
Portugal	10	28	8	297	343
Romania	—	—	22	759	781
Russian Federation	11	—	2	146	159
Senegal	10	—	—	—	10
Slovakia	5	—	—	—	5
Sweden	20	10	1	—	31
Ukraine	5	—	3	1	9
United Republic of Tanzania	—	3	—	—	3
Uruguay	7	13	37[b]	16	73
Zambia	18	15	20	505	558
Zimbabwe	21	22	40	679	762
TOTAL	342	261	270[c]	4 620	5 493

[a] Including military police.

[b] Including military specialists in the UNAVEM III demining school and in Quartering Area Administration.

[c] The total figure does not include the five demining experts seconded by Germany.

Map No. 3881 Rev. 17 UNITED NATIONS
April 1997

Department of Public Information
Cartographic Section

DOCUMENT S/1997/310

Letter dated 14 April 1997 from the Secretary-General to the President of the Security Council

[Original: English]
[14 April 1997]

I have the honour to convey the attached communication dated 11 April 1997 from the High Representative, Mr. Carl Bildt, on the implementation of the Peace Agreement on Bosnia and Herzegovina.

I would appreciate your bringing it to the attention of the members of the Security Council.

(*Signed*) Kofi A. ANNAN

ANNEX

Letter dated 11 April 1997 from the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General

I have the honour to transmit to you my fifth report on my activities as High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina. I would appreciate your making the present report available to the Security Council.

(*Signed*) Carl BILDT

APPENDIX

Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General

I. INTRODUCTION

1. Pursuant to Security Council resolution 1031 (1995) of 15 December 1995, in which the Council endorsed my appointment as High Representative to "monitor the implementation of the Peace Agreement and mobilize and, as appropriate, give guidance to, and coordinate the activities of, the civilian organizations and agencies involved" in the implementation of the Peace Agreement on Bosnia and Herzegovina, I submit hereby my fifth report envisaged by annex 10 of the Peace Agreement and the conclusions of the London Peace Implementation Conference of 8 and 9 December 1995.

2. The present report covers developments in the areas listed below during the period from the beginning of December 1996 to the end of March 1997.

II. INSTITUTIONAL ASPECTS

Office of the High Representative

3. My headquarters in Sarajevo and the secretariat in Brussels have, in the period described, continued to maintain operational coordination of civilian implementation activities inside Bosnia and Herzegovina, as well as contacts with the headquarters of the respective implementation organizations and agencies, closely following, so far as possible, the various international forums dealing with the Bosnian peace implementation.

4. During the reporting period, the peace process in Bosnia and Herzegovina, despite numerous difficulties, has been moving in a defined direction and there have been a number of positive developments. The emphasis has been placed on the implementation of the civilian aspects of the operation, these being essential for the normalization of life in Bosnia and Herzegovina. Specific attention has been given to two priority tasks: economic reconstruction on the territory of Bosnia and Herzegovina and the establishment of functioning common institutions. It is vital that the authorities start to assume joint responsibility for the implementation of the peace process and I have proceeded on this assumption.

5. The award of the Arbitration Tribunal for Brcko on 14 February regarding arrangements for the supervision of full implementation of the Peace Agreement in the Brcko area represents a major challenge for my Office in 1997. A Deputy High Representative was appointed on 7 March at the Brcko implementation conference in Vienna to serve as Supervisor for Brcko operating within the existing Office of the High Representative (OHR) structure in accordance with my mandate under annex 10 of the Peace Agreement. The period of supervision started in early April. Concrete implementation measures will follow when the Supervisor decides that essential elements of the supervision structure are in place.

6. Regional coordination and monitoring the situation on the ground, in parallel with supporting the new common institutions, has been a priority. A regional office in Mostar was established in early January to cover southern Bosnia and Herzegovina following the end of the mandate of the Special Envoy of the European Union (EU). This will complement the existing regional office in Banja Luka. The regional reach provided by the two offices will be crucial during the consolidation period and will compensate for the cessation of the regional Joint Civilian Commissions, whose mandates have been superseded by the new common institutions of Bosnia and Herzegovina. These offices will continue to facilitate contacts at a local level, promoting inter-entity cooperation in a variety of fields.

7. My Office in Sarajevo has developed the capacity to conduct preventive, proactive and follow-up action and to structure diplomatic efforts in a concerted manner. As the peace implementation process moves into the consolidation period, these progressive achievements need to be both preserved and developed. Conditions for such continuity require countries that contribute personnel to maintain their current level of commitment. Many of the seconded staff who left at the end of 1996 have now been replaced, in response to the London Conference conclusions. I have received seconded staff from the European Commission and the World Bank. However, in view of the size of the tasks for 1997 and 1998, and the need to establish an effective office in Brcko, further secondments may be necessary.

Peace Implementation Council

8. The Steering Board of the Peace Implementation Council met monthly at the level of Political Directors.

9. The discussion at the meeting in Brussels on 21 January focused on the preparations for municipal elections, with representatives of the Organization for Security and Cooperation in Europe (OSCE) participating in the discussion. Financial issues were also discussed and it was decided to extend the 1996 financial period until the end of May 1997.

10. The 19 February meeting in Brussels dealt primarily with the implementation of the Brcko Arbitration and preparations for an extraordinary Steering Board with the parties. The United Nations Mission in Bosnia and Herzegovina (UNMIBH), including the International Police Task Force (IPTF), was represented by the Special Representative of the Secretary-General. The Steering Board also discussed regional stabilization issues with the Personal Representative of the OSCE Chairman-in-Office.

11. Following the meeting, a special Steering Board session took place in Vienna on the implementation of the Brcko arbitration. Representatives of Bosnia and Herzegovina and its entities, of the Republic of Croatia and the Federal Republic of Yugoslavia also attended. United Nations and other key implementation agencies or organizations contributed to the Conference.

III. COORDINATION OF CIVILIAN IMPLEMENTATION

Overall coordination

12. Regular meetings of the key implementation agencies were held at my office in Brussels, on 23 January, 20 February and 9 April, in order to assess the efforts undertaken by the different international agencies and organizations involved in the implementation of the Peace Agreement, and inform them of the conclusions of the meetings of the Steering Board.

13. I have continued extensive consultations with representatives of Governments and organizations. Since the beginning of the year, I have met, *inter alia*, with the OSCE Chairman-in-Office and the authorities of the North Atlantic Treaty Organization (NATO).

14. In Sarajevo, I have continued to convene, on a regular basis, principals' meetings with the participation of the Special Representative of the United Nations Secretary-General, the IPTF Commissioner, the Special Envoy of the Office of the United Nations High Commissioner for Refugees (UNHCR), the Commander of the Stabilization Force (SFOR) and the OSCE Head of Mission. These meetings have proved helpful and effective in coordinating efforts of the key implementation structures on the ground, particularly in facilitating the work of the new common institutions and in defusing potentially dangerous situations in the zone of separation. I expect that this format will be maintained through the consolidation period.

15. The Economic Task Force, which meets on a regular basis in Sarajevo, is now operational and proves to be a useful tool to ensure coordination of principles and priorities of international reconstruction assistance.

16. At the end of January, I initiated the establishment of the Reconstruction and Return Task Force, composed of my Office, UNHCR, the European Community, the World Bank, the International Management Group and the Property Rights Commission. After the first high-level session of the Reconstruction and Return Task Force at Geneva, a series of meetings have been held in Sarajevo with the aim of presenting a policy paper to the international community by early April.

17. The Freedom of Movement Task Force, mandated at the London Conference and consisting of representatives of my Office, IPTF and SFOR and interested countries, was established on 20 December. The Task Force has met a number of times since its establishment and is exploring various implementing mechanisms to promote freedom of movement for people, goods and mail.

Common institutions of Bosnia and Herzegovina

18. The Constitution of Bosnia and Herzegovina provides for six common institutions in annex 4 of the Peace Agreement: the Presidency, the Council of Ministers, the Parliamentary Assembly, the Constitutional Court, the Central Bank and the Standing Committee on Military Matters.

19. Following my activities in late 1996 to implement the results of the September elections, my Office worked hard to ensure that the key bodies of the common institutions—the Council of Ministers and the Parliamentary Assembly—were operational from the beginning of January. Progress has been slow; they are functioning, but have yet to become truly effective and self-sustaining.

Presidency

20. The Presidency held seven regular working sessions during the reporting period. The Presidency nominated the Co-Chairs of the Council of Ministers of Bosnia and Herzegovina, signed agreements with the European Bank for Reconstruction and Development (EBRD), the United Nations Children's Fund (UNICEF) and the World Bank and agreed to establish a Standing Committee on Military Matters. The Presidency also signed the decisions on interim financing of the Presidency and its offices, on interim accommodation for the members of the Presidency and their offices, and on establishment and internal organization of the Offices. The Presidency has also carried out some procedural tasks such as accepting the accreditation of several Ambassadors to Bosnia and Herzegovina, forming working groups and attributing tasks to the Council of Ministers.

21. The Presidency has a number of important outstanding issues on its current agenda. The establishment of the Central Bank of Bosnia and Herzegovina, for example, could not be finalized by the Council of Ministers. The Presidency has instructed the Ministry of Foreign Affairs to prepare a proposal for the division of posts of ambassadors and other international representatives of Bosnia and Herzegovina abroad. This proposal has not yet been submitted. The London Conference conclusions refer to the responsibility of the Presidency for appointing ambassadors, and urges them to appoint any new or replacement ambassadors by the end of March 1997, however, this has yet to happen.

22. Given the crucial importance of international assistance to the reconstruction of Bosnia and Herzegovina, and the key role of the Council of Ministers in helping to secure that assistance, my Office organized an Economic Policy Forum on 12 January following the appointment of the Council of Ministers. Organized in coordination with the International Monetary Fund (IMF), the World Bank, the European Commission and the United States Treasury, the event was used to clarify the necessary action for an agreement with IMF, the principle precondition for holding the next donor conference. A joint short-term action plan and mid-term structural reform programme were presented. My Office's efforts in the subsequent months have centred on the passage of the emergency economic legislation within the quick start package (foreign trade, external debt, Central Bank, budget, customs policy and tariffs). This also enabled my Office to inject some substance into the new institutions from their inception.

Council of Ministers

23. The Council of Ministers met for its first session on 3 January 1997 following its appointment at the inaugural meeting of the Bosnia and Herzegovina House of Peoples. From January to the end of March the Council met in formal session on 14 occasions, and informally, or for "extraordinary" sessions, three times. Despite an increasingly cooperative atmosphere between the Council members, few decisions have been forthcoming. However, its work is improving with each session and progress, although slow, is evident.

24. One of the more difficult issues in the first two months was the adoption of the Council's provisional rules of procedure, which were eventually signed on 20 February 1997. The main point of contention concerned the role of the Deputy Ministers and whether they should be full members of the Council, with the accompanying decision-making powers. A compromise was reached through provision for consensual decision-making within each ministry, with differences of opinion forwarded to the full Council. While cumbersome, these procedures should assist in overcoming residual mistrust and suspicion, and are designed to ensure fully participatory decision-making.

25. The quick start package was formally presented to the Council on 16 January and working groups were established to study the various laws. These working groups met at my Office, assisted by my staff, throughout the remainder of January, February and into March. Status reports, and eventually the laws themselves, were brought to the Council at the weekly sessions. Either I or my Principal Deputy have attended most of the Council sessions, and we have often been able to assist in clarifying or arbitrating in disputes, usually involving questions regarding the extent of the state authority provided in the Constitution. Currently, the Council has concluded work on two of the laws, and work continues on the remainder.

26. Little has been accomplished with regard to the common staff, structures or organization of the ministries. While each of the Council members now has offices in their respective entities, and a few personal assistants, neither the "services" envisioned in the rules of procedure nor the individual ministries have been established. The question of a permanent location for the common institutions must also be resolved. To address these issues, and in keeping with former practices, a Law on the Council of Ministers and Ministries, based on a draft produced by my Office, will be presented. It will undoubtedly prove contentious, as it will have to address issues regarding the competencies of the ministries, their location, and the status of the extant state structures of the Republic of Bosnia and Herzegovina. These issues must take priority in the coming months, concurrent with efforts to wean the common institutions from the support provided by my Office.

House of Representatives

27. The House of Representatives held its constitutive session in Sarajevo on 3 January. At this session the Verification Committee verified the mandates of all Members elected in the September elections. The House of Representatives also adopted its provisional rules of procedure and selected from its members one Serb, one Bosniak and one Croat to serve as its Chair and two Deputy-Chairs. According to the rules and regulations, the post of the Chair will rotate every eight months between them. At the same session, the House of Representatives approved a nomination of two Co-Chairs and the composition of the Council of Ministers of Bosnia and Herzegovina.

House of Peoples

28. The House of Peoples was constituted on 3 January 1997 in Sarajevo. At this first session, the Verification Committee verified the mandates of all its members. The House of Peoples has also adopted its provisional rules of procedure and selected from its members the Chair and two Co-Chairs of the House.

29. As progress with the quick start package has been slow, the Houses have not met since their first session. My Office is currently facilitating meetings between the Collegiums of Chair and Deputy-Chairs of both Houses to prepare for the next session. Disagreements on the contents of the agenda have resulted in the session being postponed a number of times; at present it is scheduled for 30 April 1997. The agenda should include the formation of the Committees of both Houses, the adoption of the quick start package draft laws submitted by the Council of Ministers and the ratification of international agreements signed by the Presidency of Bosnia and Herzegovina. The Collegiums are also discussing the organization of a secretariat for the Parliamentary Assembly.

Constitutional Court

30. All judges of the Constitutional Court have now been appointed. The judges from Republika Srpska were appointed at the session of the National Assembly of Republika Srpska on 16 March. The House of Representatives of the Federation elected two Bosniak judges on 24 January and two Croat judges on 18 March.

Central Bank

31. The Board of Governors of the Central Bank has been appointed and is meeting regularly and frequently, chaired by the international Governor, Mr. Serge Robert. The Board has worked intensively on a draft law on the new Central Bank of Bosnia and Herzegovina and has resolved most technical problems related to the establishment of the Central Bank. Disagreement still exists with respect to the number of branches, the name of the currency, the design of the bank notes and the duration of the interim period until a new currency can be established.

Standing Committee for Military Matters

32. The Presidency has taken the first step in establishing a Standing Committee for Military Matters, and endorsed its adoption at a recent Presidency session. Work must now proceed to ensure that the Committee meets and begins to function as a means of creating a confidence-building mechanism that promotes stability in Bosnia and Herzegovina and in its relations with neighbouring countries. Initially, this should involve the exchange of information and strengthening of links between entity defence and military staffs. Thereafter, greater transparency will be needed to define the Committee's civilian command authority and its responsibilities within Bosnia and Herzegovina's constitutional framework, and to correlate this with the entities' defence laws. In due time, and before SFOR withdraws, the Committee should assume a number of the functions of the Joint Military Commission.

Essential legislation

Law on citizenship

33. Of the non-economic laws included in the quick start package, the law on citizenship of Bosnia and Herzegovina is one of the most sensitive. The Constitution of Bosnia and Herzegovina states that there is a citizenship of Bosnia and Herzegovina, to be regulated by the Parliamentary Assembly, as well as a citizenship of each of the entities to be regulated by each entity, provided that all citizens of either entity are thereby citizens of Bosnia and Herzegovina. It is therefore essential that the entity laws are identical to the largest extent possible and are fully in line with the Bosnia and Herzegovina law on citizenship.

34. One of the working groups appointed by the Council of Ministers has considered the draft in close cooperation with my Office. At a recent meeting at the Council of Europe in Strasbourg, the members of the working group, representatives of the Legal Department of my Office and experts of the Council of Europe were able to find some solutions, however, a number of disputed issues remain. Of particular concern is the Republika Srpska's decision to extend citizenship of the Republika Srpska to residents of the former Yugoslavia, provided they register residence by the end of June 1998.

Law on passports

35. Closely related to citizenship is the issuing of passports and other travel documents. It is essential that all citizens of Bosnia and Herzegovina, in both entities, have access to internationally recognized passports. The draft law on passports, which is included in the quick start package, regulates the form of the passports and the way they are issued. The draft is currently being discussed by the working group.

Law on immunity

36. Included in the quick start package is also a draft law on immunity. The draft has recently been agreed upon by the Council of Ministers and will shortly be submitted to the Parliamentary Assembly. Members of the Presidency, the Parliamentary Assembly, the Council of Ministers, the judges of the Constitutional Court and the Governor and members of the Governing Board of the Central Bank are granted immunity for acts performed within the scope of their duties.

Joint commissions

37. Activities of the *Provisional Election Commission* (annex 3), chaired by OSCE, are referred to in the elections section of the present report.

Commission on Human Rights

38. The Commission on Human Rights (annex 6), composed of the Human Rights Chamber and the Ombudsperson, continued its work. To date, the Ombudsperson's Office has opened approximately 1,260 provisional files, registered nearly 500 cases and referred 29 cases to the Human Rights Chamber. More than 55 requests for interim measures (under which the relevant Government is asked to refrain from taking certain actions pending review by the Ombudsperson) have been issued. The Human Rights Chamber began its first public hearing on 6 February 1997 and has now issued its rules of procedure.

39. The Human Rights Ombudsperson has recently issued final reports in several cases, finding human rights violations by both the Federation and the Republika Srpska, and has prepared a special report relating to violations of freedom of expression within the Republika Srpska. The authorities have been given until late April to respond to those findings. My Office will monitor the response of the authorities closely, and will intervene as necessary to support the findings of the Ombudsperson.

40. The response of the authorities in Bosnia and Herzegovina to these new institutions remains substantially inadequate. Neither entity has taken the concrete steps necessary to establish the Commission as an integral part of the legal framework of Bosnia and Herzegovina; to ensure full cooperation with the Ombudsperson and Human Rights Chamber by authorities at all levels; to establish procedures for assisting with human rights investigations and responding to requests or reports from the Ombudsperson and the Chamber; or to adopt legislation providing for the implementation and enforcement of their decisions.

41. Both institutions require additional support from the international community. On 25 February, the Presidency of Bosnia and Herzegovina

expressed its support for the Commission and its commitment to fulfil its obligation under the Peace Agreement to provide sufficient funding. Given current economic constraints, the Government of Bosnia and Herzegovina has asked the international community to support a funding appeal by OSCE and the Council of Europe on behalf of the Commission.

42. Many victims of human rights violations in Bosnia and Herzegovina remain unaware of either their legal rights or the possible remedies available to them. Human rights organizations are encouraging the referral of cases to domestic human rights institutions and are assisting in publicizing their work. It is essential that the Commission on Human Rights have an impact throughout Bosnia and Herzegovina. To that end, additional steps should be taken to distribute information concerning the Commission (in particular, the Human Rights Chamber) beyond Sarajevo, especially in the Republika Srpska.

Commission to Preserve National Monuments

43. The Commission to Preserve National Monuments (annex 8), coordinated by the United Nations Educational, Scientific and Cultural Organization (UNESCO), has established its working secretariat in Sarajevo and a back-up secretariat in Paris. Both are currently financed by UNESCO; proper funding through the entities' budgets has yet to be established. The Commission is studying the lists of national monuments submitted by the parties, with the intention of producing a consolidated list of designated national heritage sites. The Commission intends to establish a mechanism for the preservation of the designated cultural heritage of Bosnia and Herzegovina and, ultimately, to hand over to a state-level institution. The Commission held its third session on 31 January and intends to reconvene in April.

Commission on Public Corporations

44. Despite numerous meetings and proposals from its international members on possible institutional structures for joint public facilities, the Commission on Public Corporations (annex 9) has not reached any agreement. Moreover, the Commission has refused to give any guidance to the technical working groups that have been created to examine specific operational problems in some areas. The situation is particularly acute in the power and railway sectors and an agreement to establish a transportation corporation has remained a dead paper. I am, therefore, convening a meeting of the two Prime Ministers of the entities to examine the overall problem of public corporations and to try to resolve the evident political impasse.

Elections

45. The municipal elections this year will be of critical importance to the future development of Bosnia and Herzegovina. Their preparation must be closely correlated with the overall implementation of the Peace Agreement. Considerable resources, both financial and in terms of experienced elections personnel, will be required to supervise the preparation and conduct of the elections and to ensure that the results are fully implemented.

46. The overall approach to the preparation of the elections should continue to be as prescribed by the Steering Board of the Peace Implementation Council in October 1996, namely, higher quality for the municipal elections than that which prevailed for the general elections in September 1996; complete international supervision of all of the polling stations and of every stage of the election process; and that OSCE should have the structures for the likely re-runs as well as for the installation of the elected officials.

47. At the London Peace Implementation Conference in December 1996 it was agreed that the elections would be held by the summer of 1997. In its 21 January election plan for municipal elections, the OSCE Mission in Bosnia and Herzegovina announced a target date of 12 and 13 July, which proved to be untenable. Planning proceeded accordingly until the end of February. On 6 March, the OSCE Chairman-in-Office announced that, given the need for high-quality elections and firmness after these elections, he had decided that the elections should take place on 13 and 14 September. The decision to defer the municipal elections has provided a realistic timeframe in which the elections can be thoroughly prepared.

48. The Provisional Election Commission began its regulatory work in mid-January, somewhat later than had been anticipated. It has adopted a number of significant rules, in particular those which were necessary to accommodate the November 1996 memorandum of understanding between OSCE and the Republika Srpska, in which it was agreed that refugees may vote in an intended place of residence. Given the gross manipulation that took place in the registration process for the 1996 general elections, the Provisional Election Commission adopted specific rules stipulating the requirements should refugees decide to vote in an intended place of residence.

49. A new affirmative voter registration has also been agreed by the Provisional Election Commission. If well prepared and properly executed under close international supervision, this registration should lead to a clearly defined electorate, thus avoiding the confusion and disputes that arose in September 1996. The challenges in registering voters remain considerable, however. For registration to succeed:

(*a*) The local election commissions must be trained and fully functioning well before the beginning of the registration process on 5 May;

(*b*) All those who are eligible to register must be able to do so in conveniently located registration centres. The Provisional Election Commission's 11 February decision to ensure international supervision of all of these centres is a significant measure by which the potential for fraud can be curtailed;

(*c*) The number and location of the polling stations must be carefully correlated with the specific requirements of each municipality. There should also be confidence that the number of polling stations currently envisaged, 2,380, is sufficient;

(*d*) A massive and effective voter education campaign will be required because an active voter registration process is not part of local political tradition.

50. The Provisional Election Commission has also adopted a number of other rules, including those which provide for the participation of political parties in the work of the local election commissions. It has also strengthened its provisions regarding the media. The Commission should complete its regulatory work soon and try to avoid preparing rules late in the electoral process, as happened in 1996.

51. The municipal basis for the elections in the Federation needs to be resolved, both with regard to those municipalities which were divided by the inter-entity boundary line, and from the perspective of the calls for the establishment of some new municipalities within the Federation. An Advisory Commission, which worked under the auspices of the Council of Europe, was established by the Federation Forum on 3 February to examine these issues. Its opinion—in the form of a draft law prepared by my Legal Department and experts of the Council of Europe—was communicated to the Federation Government on 3 March. The Federation Ministries of Justice and Urban Planning are currently preparing a final text, which will be submitted shortly to the Federation Parliamentary Assembly. An early decision is required to enable OSCE to proceed in its planning with a clear vision of the Federation's municipal structure.

52. The London Conference conclusions stressed the importance of tackling the crucial post-election issues. Recent events in Serbia have underlined that the electoral process does not stop on polling day: officials must be able to take office and perform their duties. As the London Conference had requested close coordination on the planning of the election process and the management of the post-election period, my Office prepared a preliminary paper on those issues for the 21 January meeting of the Steering Board of the Peace Implementation Council. Considerable problems can be expected with the implementation of the election results; OSCE has, therefore, recently established a post-election planning group, in which my Office, IPTF, SFOR, UNHCR, the European Community Monitoring Mission and the Council of Europe participate.

53. A sound electoral process is the essential ingredient in the peace implementation process in 1997. Quality, determination and complete implementation of the election results will be essential for the advancement of the democratic process in Bosnia and Herzegovina.

54. The implementation of the Federation remains one of the major fields of activity of my Office. The first months of 1997 were characterized by continuing mistrust between the Federation partners. In January, the Prime Minister called publicly for the resignation of his Deputy because of some alleged customs irregularities. At the end of the same month, the Croatian Democratic Union (HDZ) froze its participation in the Federation Government and the Federation Assembly until some outstanding issues were resolved, in particular the formation of new municipalities.

55. At a Federation Forum on 3 February, my Office, in cooperation with the United States Government, tried to bridge some of the most recent differences. Agreement was reached on the establishment of an advisory commission, led by the European Council, to address the question of municipalities. In addition, the next steps on organizational questions regarding Sarajevo and Mostar, as well as the new dates for the formation of the Federation police, were agreed.

56. However, none of the deadlines could be kept owing to an eruption of violence in Mostar on 10 February, when West Mostar police officers shot at the backs of Bosniak cemetery visitors. This was followed by a series of assaults on travellers in the Mostar area and a wave of evictions in West Mostar. In response, my Principal Deputy, together with the Commander of SFOR and the IPTF Commissioner, assembled Federation leaders on 12 February, and reached agreement on the decisions on Mostar, in which the Task Force was requested to submit a report on the 10 February events. In its report of 24 February, three police officers were clearly identified as perpetrators of the shooting. The conclusions from the report, in particular the arrest and punishment of the perpetrators, were endorsed by the Security Council on 11 March. As yet, there has not been compliance. On 25 March, IPTF and my Office submitted a second report on the situation in Mostar from 1 January to 15 February, which graphically illustrated that neither the political authorities, nor the police of Mostar, had reacted appropriately to the human rights and security situation in the city. It further outlined the consistent police failure to respond to incidents involving victims of an ethnicity other than their own.

57. After international pressure and some intervention from Zagreb, the situation in Mostar calmed down and the security environment improved in the aftermath of 10 February; some West Mostar gang leaders were arrested, amongst them strongmen Mladen Tata Naletilic and Vinko Sutac Martinovic, both of whom are being held in prison in Zagreb to the moment, and long term, these arrests may add to the stabilization of the situation in Mostar, but the crimes committed on 10 February remain unpunished. On 4 April, the United Police Force of Mostar started to function again, working in joint command police uniforms, an important step towards the unification of the police on the whole of the Herzegovina Neretva Canton, possibly in late April.

58. In March, the HDZ returned to the Federation Assembly and Government. On 14 March, both Federation Houses elected the new Federation President, Vladimir Soljic, and his Deputy, Ejup Ganic. On 20 March, the Government adopted a draft law on the Federation Implementation Council, which will, if adopted by the Federation Assembly, facilitate the removal from office of officials who obstruct the implementation of the Federation. On the financial side, the customs system was put back on track after some danger of falling apart in January and February. On 20 March, the Government adopted the Federation budget, which now awaits approval by the Assembly, scheduled for 16 April.

59. On 26 February, the Advisory Commission on Municipalities finalized its work on the splitting of municipalities and the first group of new municipalities, and submitted a draft law to the Government. Owing to some of the proposed new municipalities being contested, in particular the Croat-populated Ustica, the Government has not yet agreed on the draft law, thus posing a considerable problem to OSCE, which has to proceed with its planning for the municipal elections.

60. On 27 March, leaders of the parties represented in the Sarajevo Canton Assembly signed a comprehensive agreement on the implementation of the Sarajevo Protocol. Precise steps were outlined to establish the City Council, elect a mayor of Sarajevo and his deputies and to amend the Federation and Canton Constitutions. Bosniaks, Croats and Serbs will have guaranteed rights in the governance of the city. If implemented, this would constitute a significant step towards ensuring the multi-ethnic character of Sarajevo, facilitating return, improving the climate in the Federation and ultimately providing the possibility for all peoples and citizens of Bosnia and Herzegovina to identify with their capital.

61. At the end of the reporting period, the mood music in the Federation appears to have been overcome, for the time being. It is clear that the implementation process needs further international attention and assistance, in particular regarding return of refugees and displaced persons. The relations within the Federation also depend, to a considerable degree, on the relations between the entities and within the common institutions.

Republika Srpska issues

62. The formation of the entity structures, as well as necessary legislative framework, has continued in the Republika Srpska. The National Assembly of the Republika Srpska held three sessions during the reporting period. The deputies to the National Assembly, elected on the territory of the Federation, were allowed to participate fully in the work of the National Assembly without taking an oath. In order to facilitate their participation, my Office and IPTF provided technical support.

63. Since my last report (A/1996/19/Add.1) the reorganization of the structure of the Government has been finalized. The National Assembly adopted on 27 February, amongst the Laws on the Government of Republika Srpska and Law on Ministries. These laws maintained the structure of the Government and increased the total number of ministries. The main pillars of the programme of the Government remain: defence of territorial integrity, organized settlement of the population to areas close to the inter-entity boundary line, economic recovery actions, and social protection of the people.

64. There are a number of issues, however, about which I am concerned. The Republika Srpska continues the presence of "embassies", a number of its laws are filled with references and terminology to this effect. The continuation of the Ministry of Foreign Affairs is contrary to the Peace Agreement, as is the retention of crucial organs of foreign economic policy in the newly adopted Law on the Senate of the Republika Srpska. A Law on Foreign Exchange, which shifts an operation, gives wide powers to the National Bank of Republika Srpska to regulate the operation of the foreign exchange market and refers to "new dinars" as the domestic currency. The recent amendments to the Law on Citizenship will further retard the process of agreeing on the quick start package.

65. An agreement between the Federal Republic of Yugoslavia and Republika Srpska, establishing a "special parallel relationship", was signed in Belgrade on 28 February 1997 and was subsequently adopted by the Assemblies of the Republika Srpska and the Federal Republic of Yugoslavia. The agreement contains similar elements as those included in the agreement concluded between Croatia, the Republic of Bosnia and Herzegovina and the Federation, in Paris on 15 December 1995. Though the Constitution of Bosnia and Herzegovina allows for "special parallel relationships" (article III.2.a), my Office has considered the agreements and found that both suffer from constitutional shortcomings. Negotiations are also proceeding on the formation of a virtual customs union between the Republika Srpska and the Federal Republic of Yugoslavia and I have warned that this would be contrary to the Peace Agreement. We must insist that all agreements be reviewed by the Bosnia and Herzegovina Parliamentary Assembly and brought into line with the Constitution.

66. I am also concerned about the apparent disrespect displayed by some leaders in the Republika Srpska for the provisions and procedures of the Republika Srpska Constitution. This was especially evident during the conclusion of the above-mentioned agreement on a "special parallel relationship" with the Federal Republic of Yugoslavia, which was signed on behalf of the Republika Srpska by Momcilo Krajisnik, the member from the territory of the Republika Srpska in the Presidency of Bosnia and Herzegovina, in violation of the Republika Srpska Constitution.

67. While such legislative posturing continues, the Republika Srpska economy is slipping further into decay. The initial boost from the return to peace was short-lived and there is still large-scale unemployment, low income levels and a severely limited ability to care for the elderly and poor. My Office has made strenuous efforts to redirect the flow of international aid to the Republika Srpska in order to revitalize the economy and prevent inevitable social tensions.

68. At the same time, such aid must be conditioned to cooperation with the peace process. The authorities in the Republika Srpska must be convinced that their activities could lead to a severe reduction in planned economic aid and an increase in social turmoil, which would, ultimately, be to their own disadvantage and that of the people they purport to represent.

Media

69. Events elsewhere in the region underline the vital role of independent media in achieving democracy and stability. My Office is giving high priority to entrenching and consolidating independent media in all parts of Bosnia and Herzegovina.

70. The London Conference conclusions gave a reinforced role to my Office in coordinating international support to independent media projects: there are now regular media roundtables in Sarajevo with all major donors. A detailed database of existing and proposed projects has been set up, and an effective instrument now exists for avoiding overlap between different donors and agencies, and promoting cooperation between them.

71. My Office plays its most active role in assisting the Open Broadcast Network, as Chair of the Governing Council and its Steering Committee. The Network is the only true cross-entity broadcaster in Bosnia and Herzegovina. It carries the programming of TV-IN to most areas of the Federation and to much of the Republika Srpska in the area around Banja Luka. The project has had to overcome a number of institutional and technical problems. It has also had to endure much politically inspired public criticism designed to undermine what remains a fledgling but maturing television network. As such it continues to need the support, protection and nurture of the international community. The Network is now embarking on Stage Two of its development, a $7.4 million programme that will roughly double the audience for its programmes, set up a full-fledged affiliate station in the Republika Srpska with its own local identity and expand substantially the programming capacity both of the central hub in Sarajevo and of the affiliates. Stage Two will aim to consolidate the Network's operations over a two-year period, after which it should be self-sustaining.

72. The Republika Srpska is a crucial target in my efforts to promote independent media. A proposal for an independent printing house in Banja Luka is being finalized in conjunction with the democratization working group in Banja Luka; funding is being made available from European Union (EU) sources. As western Herzegovina is even more closed than the Republika Srpska to independent media, my Office is also seeking a proactive strategy with other international institutions and donors to promote the independent media in that region of Bosnia and Herzegovina.

73. At present, there is no comprehensive framework for the legal regulation of media in Bosnia and Herzegovina. The Federation does not even have a media law. My Office co-chairs with the United States Embassy the Federation Forum special group on media issues, and has given the Federation partners, as a possible basis for discussion, draft laws on broadcasting prepared by the European Institute for the Media. My Office is also in close touch with the Presidency working group preparing draft legislation on telecommunications, which has some limited implications for broadcasting. Our interest in the field of media law is in ensuring basic media freedoms and protecting independent media. It will be particularly important to ensure the position of cross-entity broadcasters within this framework.

Return of refugees and displaced persons

74. The beginning of 1997 has signalled a major push to repatriate refugees. Approximately 235,000 refugees and displaced persons are believed to have returned to their homes during 1996, mainly on a spontaneous and individual basis; the scene for 1997 promises to be more complex. Some host countries in Europe have started to lift temporary protection status and have begun large-scale organized repatriation. This is likely to create further disruption; the influx of returnees in 1996 has already used up much of the housing capacity in Bosnia and Herzegovina. Additionally, the homes of the refugees are, by and large, either destroyed or occupied by internally displaced people. A possible influx of Serbs from Eastern Slavonia into the Republika Srpska would merely exacerbate the problem.

75. Violent incidents, such as the shootings in Mostar on 10 February and the deliberate destruction of houses and shelters in the zone of separation, indicate the hostile environment minority returns can encounter. Nonetheless, the process of normalization has provided some openings to individual and low-profile minority returns. UNHCR estimates the number involved to be about 10,000; many more are signalling their wish to return to their homes across the inter-entity boundary line in both directions.

76. Since my last report, my Office has concentrated its efforts in three fields: the establishment of the Reconstruction and Return Task Force; support for the Coalition for Return; the implementation of the procedure for return and reconstruction in the zone of separation. Furthermore, my Office's overall efforts towards the economic reconstruction of Bosnia and Herzegovina, functioning common institutions and the improvement of the overall human rights, policing and judicial situation can be expected to have beneficial effects for the provision of durable solutions for displaced persons and returning refugees.

77. After consultations with UNHCR and other main actors, including the European Commission and the international financial institutions, I called for the inaugural meeting of the Reconstruction and Return Task Force on 4 February. The Task Force has sought to develop links between economic reconstruction and the return of refugees to maximize the impact of limited resources in supporting sustainable returns. Among the conclusions of the Task Force have been the need to focus resources in areas where there is both economic potential and expected refugee return, and the need to identify loan mechanisms to overcome the major financing gap in the housing and relevant infrastructure sectors. The Task Force will submit recommendations to the donor community.

78. The Coalition for Return, a movement of displaced persons and refugees of all nationalities and from all parts of Bosnia and Herzegovina, has continued to grow during the reporting period. A number of refugee associations in third countries have also joined. By jointly expressing their interests, those most affected by the war and manipulation by the authorities are becoming a significant political force at the grass-roots level. This was expressed by the gathering of 270 members of the Coalition in Tuzla on 22 and 23 February. The Coalition has promoted the creation of an information network between displaced persons by organizing visits to communities throughout Bosnia and Herzegovina. Material support has been received to establish regional offices that will further improve contacts; the first is planned to open in April. My Office will continue to give technical and political support to the Coalition until such support is no longer required.

79. Returns to the zone of separation, on the basis of the procedure established in October 1996, have met a mixed fate. Violence directed against the labourers and the destruction of the prefabricated provisional shelters in the hamlet of Gajevi has hit the headlines. However, the successful administrative integration of returned villagers by Republika Srpska authorities, and joint police patrolling of Republika Srpska police and the International Police Task Force in the Sapna and Doboj areas, do indicate a changing attitude in some areas. Likewise, the Federation authorities have recognized that cross-inter-entity boundary line returns into the zone of separation have to be conducted in a civil and orderly manner.

80. Returns to the zone of separation have also been achieved in the Brcko municipality; reconstruction efforts have been ongoing under the adopted procedure for approximately nine months, with only some initial incidents of destruction of property. Returns to contentious areas and the endorsement of the procedure by the President of the Republika Srpska and the joint Bosnia and Herzegovina delegation to the UNHCR refugee ministers' meeting of 21 and 22 March give rise to the expectation that phased and orderly return to the zone of separation might become a more common and less disputed element of the stabilization process in 1997. A focused inter-

national effort will be needed to bring about the revitalization and normalization of this area through the return of its original inhabitants.

81. My Deputy in Brcko, acting as the supervisor, together with two deputies, to implement the arbitration award of 14 February 1997, will soon establish and oversee the realization of a special procedure to enable the return of original inhabitants to Brcko. Return is a core element of the arbitration award.

82. My Office will continue its task to coordinate the efforts of international actors to facilitate return and repatriation and to exercise contingency measures. After its recommendations to the donor conference, the Reconstruction and Return Task Force will remain engaged in efforts to harmonize economic reconstruction with return requirements. I will continue to press the Governments in Bosnia and Herzegovina to fulfil their obligations to create conditions favourable to return, and will closely monitor other durable solutions offered to the community of displaced persons and refugees.

Freedom of movement

83. Improvements in freedom of movement have been facilitated by the elimination of checkpoints and the establishment of inter-entity bus lines operated by UNHCR. Under the auspices of UNHCR and the International Police Task Force, visits to graveyards or former homes in the other entity have increased. However, freedom of movement is severely restricted by inappropriate policing practices and the lack of telecommunications and infrastructure.

84. The Freedom of Movement Task Force, mandated at the London Conference and consisting of representatives of my Office, the IPTF and SFOR and interested countries, has met a number of times to explore various implementing mechanisms to promote freedom of movement for people, goods and mail.

85. Police practices in both entities are the single greatest obstacle to freedom of movement. The police engage in conduct that tends to make the inter-entity boundary line a boundary, especially along the major arteries crossing the line. Checkpoints, the confiscation of documents and arbitrary fines act as a deterrent to the movement of individuals. My Office fully supports the work of the IPTF to restructure and reform the local police forces and I welcome the commitment to provide a further 186 IPTF members, and 31 civilians, for the Brcko region.

86. Uniform driver documentation and vehicle number plates would considerably facilitate freedom of movement. This issue has been raised within the Council of Ministers, though at present it is only being considered for those Ministers and Governors who need to cross the inter-entity boundary line. The Freedom of Movement Task Force will also be considering alternative methods to resolve the issue.

87. The internal trade agreement signed earlier in 1997 has started to move towards the free movement of foreign goods between the two entities. The flow of domestic goods has however encountered problems similar to those experienced by private cars. Uniform number plates and the adoption of the customs laws in the quick start package are essential if there is to be real progress in this field.

88. The cross-inter-entity boundary line bus lines established by UNHCR have become an effective tool in promoting freedom of movement between the two entities for displaced persons, returnees and the local population. Under the auspices of my Office, the Chambers of Commerce and bus companies of the two entities have been meeting to discuss the legalization of inter-entity bus lines. UNHCR will be included in future talks. The implementation of locally run inter-entity passenger traffic will be a vital step forward to the realization of freedom of movement.

89. Inter-entity railway traffic should be established. In early February, the Commission for Public Corporations established a railways commission and four working groups to address the different aspects of the problem. Progress has however floundered on the differing concepts of the railways structure.

90. Exchanges of information and regular contact between the officials of the two entities would contribute towards a climate conducive to movement. My Office is working with the European Commission to establish inter-entity telecommunications, but has encountered considerable resistance from all sides to share exchanges or management. A more structured approach may have to be adopted. It is also essential that frequency control, management and telecommunications will be covered by just one of the Bosnia and Herzegovina ministries.

91. In the Brcko area, the supervisor will promote a series of steps to ensure freedom of movement of people, goods and commerce. The announcement by Bosnia and Herzegovina and Croatia of their intention to restart immediate discussions on the rapid opening of their common border with customs procedures and controls consistent with European standards will be of particular importance for the Brcko area.

92. As part of the economic rehabilitation of the Brcko area, the European Commission, the World Bank and the United States Agency for International Development (USAID) have agreed to make investments to improve road and rail structures of the area. However, are urgently needed to upgrade the east-west road through the area, as well as the key road and rail bridges over the River Sava both in the immediate Brcko area and further to the west at Orasje and Samac. This could improve north-south communications for the unhindered use of both entities and all communities of Bosnia and Herzegovina. The supervisor will also study the river traffic in cooperation with the parties.

Missing persons and graves

93. The issue of missing persons remains highly volatile after a year of halting and inadequate progress. The exact number of missing persons is uncertain; the International Committee of the Red Cross (ICRC) has received tracing requests for more than 19,000 persons; the Bosnian authorities estimate the number of missing to be closer to 30,000. To date, the status of approximately 1,000 missing individuals has been clarified. Owing to the lack of progress, ICRC is currently focusing its new efforts to move its tracing process forward.

94. Recognizing that the missing are—with very few exceptions—deceased, the local authorities, my Office and other members of the international community have focused efforts on the delineation of mass graves and the clearing of unburied mortal remains. After the winter delay, the parties met on 11 March under the auspices of my Office and agreed to resume inter-entity exhumations on 10 April. Work will begin simultaneously at two sites on that date.

95. While frustrating to the families of the missing, the winter-imposed break in exhumations provided an opportunity for the international community to organize resources and focus activities in order to improve the conduct of joint exhumations during 1997. Under the auspices of the Expert Group on Exhumations and Missing Persons, created by my Office and consisting of several international organizations, a number of efforts are under way to assist the joint exhumation and identification process. These include projects by Physicians for Human Rights to train Bosnian scientists and technicians in exhumation techniques, to provide a coordinator for international forensic monitoring of all exhumations and to organize an international database (in conjunction with the Association for the Development of the Ludwig Boltzmann Institute of Human Rights, Physicians for Human Rights is also working on an identification project designed to assist in scientifically verifiable identification of mortal remains.

96. The International Committee on Missing Persons announced at its meeting on 5 March that a fund established to help with family questions of missing persons. The Commission for Real Property Claims agrees to support aspects of the exhumations process such as the training in exhumation sites and the provision of equipment for identification and identification. Other assistance provided by the international community includes donations from the Government of Switzerland and the United States trust fund.

97. Although broadened, these projects cannot be expected to address the many issues relating to missing persons. Additional incentives, access to exhumation sites, and substantial political will are required if these issues are to be addressed effectively.

Human rights

98. The Peace Agreement expects the authorities to secure the highest level of internationally recognized human rights; however there are many indications that the responsible authorities in Bosnia and Herzegovina do not view this obligation as legally binding. The authorities have yet to take a number of concrete steps to demonstrate their commitment to protecting human rights. For example, both the Federation and the Republika Srpska concluded in July 1996 that those laws relating to abandoned property were contrary to basic human rights. Eight months later, neither entity has brought those laws into compliance with the Peace Agreement. The Republika Srpska has still to amend its amnesty law to extend coverage to persons who deserted or avoided military conscription. Such delays pose a substantial obstacle to the return of refugees and displaced people and contribute to ethnic division.

99. The authorities responsible for protecting human rights, in particular the police, continue to account for a substantial portion of reported abuses. Political leaders and police in both the Federation and the Republika Srpska have often implicitly condoned abuses by failing to respond appropriately. A particularly egregious example is the failure of the Republika Srpska police to conduct proper investigations into four separate cases in which Bosniaks were murdered in Teslic, Doboj, Dobrinja and Zvornik.

100. In addition, the police themselves are directly responsible for numerous abuses, most notably the 10 February incident in Mostar in which uniformed and plain clothes police fired at the backs of retreating civilians, killing one and injuring more than 20 people. Arrests have still not been made in the case of a Bosniak man who was beaten to death while in police custody in Banja Luka last summer; this month the local police proposed to the Ministry of Internal Affairs of the Republika Srpska that the salaries of the five officers on duty be partially docked for one month. In both entities there have been numerous reports of beatings in detention.

101. These problems graphically illustrate the need for the restructuring and training of the entities' police forces to be accelerated. While the vetting of the Federation police forces is under way, the Republika Srpska has yet to submit the lists of officers to be vetted. The Republika Srpska must fully cooperate with the IPTF in the restructuring and reduction of the Republika Srpska police force.

102. A precarious human rights situation, characterized by widespread discrimination and abuse on ethnic grounds, continues to reign. Harassment of minorities residing, visiting or travelling through areas where another group is in the majority continues unabated. The most severe abuses are occurring in the Republika Srpska and in Croat majority areas in western Herzegovina. A worrying development during the reporting period has been the tit-for-tat attacks on religious and cultural edifices, such as churches, mosques and cemeteries, within the Federation.

103. Inter-ethnic tensions within the Federation and between the two entities continues to prompt forced and illegal evictions of minorities. Destruction of minority owned homes in the zone of separation and in other towns during the period under review further polluted the human rights environment in areas targeted for return of refugees and displaced persons. Widespread discrimination against ethnic minorities and supporters of opposition political parties, in the fields of employment, education and access to services continued, particularly in the Republika Srpska.

104. My Office is working with UNHCR and the Sarajevo civic authorities to ensure that housing reconstruction furthers the right of return of pre-war occupants. Efforts continue to be directed at organizing local community councils in areas where tense relations are reported between displaced Bosniaks and remaining Serbs. My Office has organized meetings between local authorities from Sarajevo canton and adjoining areas of the Republika Srpska to initiate police cooperation against crime, encourage freedom of movement, and to discuss possibilities of inter-entity co-operation in the wider Sarajevo region.

105. At its final meeting in 1996, the Human Rights Task Force set its priorities for 1997 based on the assessment of the accomplishments and shortcomings of the human rights community's efforts to date. Priorities for this year include: human rights promotion training; assisting local organizations of human rights ombudsmen and rapporteurs; the non-governmental organizations' development of a human rights culture through public information, education and democratization initiatives; strengthening the rule of law through projects including incorporation of human rights standards into law and reform of legal, administrative and law enforcement institutions.

106. Given the multiplicity of organizations involved in the human rights field, the Human Rights Task Force called for improved integration of activities at an operational level, as well as better coordination of responses to human rights abuses. To address these objectives, the Human Rights Coordination Centre Steering Board was established on 8 January 1997. The Steering Board, which is composed of the leading human rights/democratization officers of the major international implementing organizations, has been working to restructure coordination efforts to address both longer term initiatives, as well as monitoring and response to more immediate issues.

107. Failure to implement the human rights provisions of the Peace Agreement should also be addressed by introducing new techniques to sanction non-compliance and by strengthening existing mechanisms. During 1996, the actions of some individuals hampered reconciliation and damaged the peace process. As agreed, an additional sanction that my Office will employ this year will be to request that persons who engage in substantial acts of non-compliance or human rights violations be denied visas allowing them to travel abroad. This sanction has now been applied for the first time on the three policemen identified as shooting at the retreating crowd in Mostar. Other strategies are being developed, including a more coordinated system for joint demarches to internal Governments and intergovernmental institutions, and methods to ensure effective and thorough incorporation of human rights considerations into decision-making relating to economic assistance and reconstruction.

Cooperation with the International Tribunal for the Former Yugoslavia and strengthening the rule of law

108. The failure of responsible authorities, particularly in the Republika Srpska, to fulfil their legal obligation to cooperate with the International Tribunal for the Former Yugoslavia continues. The Republika Srpska has refused to arrest and surrender persons indicted by the Tribunal, relying on a provision in their Constitution that is clearly superseded by the Constitution of Bosnia and Herzegovina and other Annexes of the Peace Agreement. Concurrently, Bosniak Croat authorities have failed to arrest the numerous indicted persons who reside in or visit areas of the Federation previously under the control of the Croatian Defence Council (HVO). The presence in Bosnia and Herzegovina of people indicted by the Tribunal is a continuing threat to the peace process and a serious impediment to reconciliation. The responsible authorities must take immediate steps to execute arrest warrants for persons indicted by the Tribunal, to submit all cases involving suspected war crimes to it for review prior to either its prosecution by national courts, and to provide information of assets to Tribunal investigators.

109. The Steering Board has agreed that my Office will compile the necessary information to implement selective measures against municipalities, such as Prijedor and Srebrenica, which continue persons in the public office.

110. During the reporting period, the Federation has taken some positive steps to implement the Treaty of the Court between it and the Republika Srpska by extraditing cases indicted for review by the Tribunal. The Republika Srpska has additionally refused to take the case of Dusko Tadic and continues to refuse to do so, in violation of the Dayton agreements. In addition, both the Federation and the Republika Srpska continue to refuse to cooperate with the Tribunal in violation of the Dayton agreements.

111. Both entities continue to undermine the rule of law and weaken public safety by unlawfully [illegible] persons suspected of war crimes to the Tribunal, maintaining in prisons or [illegible] persons who have been indicted by the Tribunal, and releasing, unpunished, any persons suspected of participation in war crimes [illegible]. The Dayton agreements [illegible] to cooperate with the Tribunal and to [illegible] persons indicted by the Tribunal. [illegible] Republika Srpska [illegible] Tribunal [illegible] to arrest persons indicted by the Tribunal. It is essential that the international community [illegible] Tribunal with the resources it needs to fulfil its commitments to

implement the rules of the road procedure and to monitor prosecutions and trials by national courts.

112. With regard to persons detained following the peace agreement, substantial human rights violations continue. Arbitrary detentions, including cases of tit-for-tat arrests, continue, as does the wartime practice of detaining people for the purposes of exchange. In late March the Federation authorities in Bihac failed to release a Serb detained without sufficient evidence until a Bosniak held in Banja Luka was released. The risk of arrest, which is compounded by the lack of clarity on who is being sought for war crimes, substantially impedes freedom of movement.

113. These problems demonstrate the importance of strengthening the rule of law in Bosnia and Herzegovina. The extensive list of human rights obligations, which form part of the Constitution, must be brought into law through adoption of implementing legislation and by review of existing laws to determine their compatibility with international human rights standards, in particular with the European Convention on Human Rights. The Federation has now formed an expert team to reform its criminal law and criminal procedure code; the Republika Srpska should begin this process with expedition and support from international institutions, including the Council of Europe. A greater effort is also required to inform the public both of these rights and of the legal framework which has been created to protect these rights. By monitoring sensitive trials and intervening to ensure that essential rights, such as the right to legal counsel, are protected, human rights organizations can play a vital role in deterring human rights abuses and building confidence in the legal system.

Economic reform and reconstruction

114. I have intensified my co-ordination efforts with major implementation agencies and international financing institutions, namely the World Bank, the European Commission, EBRD, IMF and the International Management Group, by creating a secretariat attached to my Executive Task Force. This initiative has been supported by the recent recruitment of two additional economists from the World Bank and the European Commission.

115. In the first quarter of 1997, with the exception of the extension of the UNHCR programme for 1997 ($75 million), no other major donor or donor group, or international financial institution, has signed new agreements or memorandums of understanding with Bosnia and Herzegovina authorities. Implementation of ongoing projects has continued, however, and there is still a significant amount of money to be disbursed from 1996. In order to absorb the remainder of last year, when virtually all reconstruction projects were conducted in the Federation, a project for airport repair and a transport sector programme for the Republika Srpska have been prepared by the World Bank and are scheduled to be presented to the World Bank Board in May. With respect to telecommunications, the European Commission has recently signed a contract to finance the repair of the Republika Srpska backbone system and an external linkage in the Federation.

116. Significant but slow progress has been made with respect to agreeing the minimum legal framework necessary for the development of the road concessions and for finalizing an agreement with EMS. After the presentation of the draft laws to the Bosnia and Herzegovina Council of Ministers, because of the delays, it has not yet been possible to hold the planned donors conference. Donors will have to be consulted on the proposed laws before they can be presented to the Parliamentary Assembly. Officials have been working with the Chairs of both Houses in order to facilitate their early passage.

117. Within the framework of the transition to a market economy, I have continued to move priority sectors such as infrastructure, employment generation and the restarting of production. The number of contracts completed or signed has increased by more than 50% in the last three months and, altogether, the total number of contracts reached or close to, and the total volume of goods and services, now exceeds 1,500. There remain, however, significant financial gaps in all major sectors in spite of the strong recommendations of the donor community in this area. Also, in certain sectors such as railways or telecommunications, political constraints on the spot still impede quick project implementation. At the Donors Information Meeting, held at Brussels at the end of January, I pointed out that unless viable sector policies were adopted in these areas, no further financial commitments could be recommended. I will press to have these issues addressed at the 1997 donors conference.

118. The Implementation Conference on Brcko upheld the commitment of the international community to devote significant financial and material resources to the sustainable development of infrastructure, transportation links, repair and construction of housing, social facilities and community and business structures in the Brcko area. The targeted economic assistance will be provided only if the local authorities demonstrate sustained cooperation with my Office in Brcko.

119. A major challenge for 1997 is the expected mass return of refugees to Bosnia and Herzegovina from host countries in Western Europe. It is clear that this will place a large burden on the very fragile recovery process. The coordinating role of the Return and Reconstruction Task Force will be crucial to avoid the potential destabilizing effect of mass returns.

Civil aviation

120. There have been some positive developments in the field of civil aviation. The number of civil carriers operating into Sarajevo Airport has progressively increased and the recent completion of work to fit an instrument landing system should further enhance the flow of civil traffic. Problems remain, however, not least the issue of a tunnel repair under the runway. These will have to be resolved quickly if the airport is to begin to operate to full capacity.

121. On a wider front the picture is less encouraging. Though the parties agreed at the London Conference to work collectively and set up a joint body in Bosnia and Herzegovina civil aviation authority, this has yet to happen. Consequently, efforts to open the regional airports have been unproductive. An International Civil Aviation Organization (ICAO) team has recently completed a civil aviation master plan dealing with the transition to civil control of all Bosnia and Herzegovina's airports and airspace, but it remains to be seen whether this will stimulate progress when it is presented to the parties.

122. There has been one significant breakthrough, brokered in an initiative by SFOR, resulting in an agreement between SFOR, Croatia and the Federal Republic of Yugoslavia to reopen airspace over Bosnia and Herzegovina above altitudes of 24,000 feet to transiting civil aviation traffic. Overcoming this incongruous, ad hoc ban is worth potentially hundreds of millions of dollars annually to Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia. The same opportunity accrues if Slovenia can arrange the parties to begin working together with the international civil aviation authorities.

Other elements

123. While pledging has always been commendable, but the resources necessary for this urgent task remain scarce, and the number of mines being cleared is small. The efforts of the international community, working with the United Nations-sponsored Mine Action Unit, Croatia and the United Nations Mine Action Centre, have been stepped up a few well-focused and effective groups established by local companies, Norwegian People's Aid and United States Government-sponsored teams. The United Nations Mine Action Centre must be found, as a complementary, agreement stretches for mine-clearing activities across Bosnia and Herzegovina. However, a good common structure has yet to be put fully in place and there is a proper coordination effort to ensure that funding will not take place.

124. The key element in the overall framework is the representation of Bosnia and Herzegovina commission for Armaments (quota of assigning priority to activities and programming process). It must be clear that funding will be open and specific. The Commission has commenced work, but has yet to function as a truly effective body. It is important that it becomes operative soon, as urgent work is needed to free over certain mines fields and assume responsibility for the Council Somatic Mine Action Centre, at the end of the year.

113. With the common institutions functioning, there is hope of overcoming the bitter divisions of the country and addressing the pressing economic and social issues that are a legacy, not only of the war, but also of the failed policies of the previous decades. Without these institutions, there is a risk that the partition of Bosnia and Herzegovina could become permanent, thus endangering peace and stability in the country and in the region in the years ahead.

114. As noted above, all the common institutions have been established and, in most cases, have started to work. While my Office had to negotiate more or less every detail of the first meetings, they are now holding their sessions as a matter of routine and with only limited logistical support from my Office.

115. In order to be more than empty shells of little relevance, however, the common institutions must take decisions on the laws and other issues which will turn the State into a functioning reality. With the support of other members of the international community – most notably the European Commission, the World Bank, IMF, and the United States Treasury – my Office has presented the so-called quick start package of interim essential legislation to the Council of Ministers. These laws and other measures constitute what we consider the minimum for the State to start functioning in the key areas under its competence.

116. Progress on these issues has been slow. There has been controversy between those seeking to limit the functions of the State to well below what has been agreed, and those seeking to expand its functions in the direction of a unitary State. Nevertheless, the quick start package has been moving forward, and I am confident that we will have decisions on all key issues in the near future.

117. These issues are important, not only in the context of building the common State, but also to pave the way for the economic reforms essential for the future economic and social development of the country. International reconstruction assistance will not continue on present levels for long. It is vital that conditions are created for self-sustained and rapid economic growth in the years ahead. This will require fundamental reforms to liberalize the economy, to privatize assets and to open the way for foreign trade and competition.

118. If decisions are taken on the relevant parts of the quick start package, there will be the possibility for an agreement with IMF, which will pave the way for holding the next donors conference. It is my hope that this will be possible towards the end of May, although the absence of an agreement with IMF would seriously limit the possibilities of holding a successful donors conference. We aimed aim to mobilize funds of the order of $1–1.5 billion, for reconstruction in 1997.

119. The economic and social issues are also important in facilitating returns, not least of refugees from other countries presently in Western Europe. We cannot expect refugees to return easily if they see a country in economic and social despair. In this context, it is extremely worrying that local opposition have led to a situation in which the areas of the country from which the largest numbers of refugees originally came have been receiving the least economic assistance.

120. During 1996, a spirit of the spreading virus of ethnic cleansing, unfortunately, began to take root in numerous municipalities of the entities. We are beginning to see a new individual and discriminatory criteria in certain areas, but, to date, any attempt at major minority returns is meeting fierce resistance ranging from the violent to the bureaucratic.

121. Of particular concern, in this respect, is the issue of property legislation in the entities. During 1996, it took the Federation and the Republika Srpska many very difficult if not impossible. My Office has pointed out this situation repeatedly. In a recent statement, the European Union Administration for Mostar and Herzegovina rules that existing laws in the Federation are in conflict with the Peace Agreement. The same is true for the Republika Srpska.

122. Efforts to date hampered by the deeply ingrained lack of respect for human rights. Here, the issuance of IPTL is of essential importance, as is the programme to reintegrate and train the local police forces in the Federation and the Republika Srpska. The funding of these programmes is of great importance, and I am encouraging further initiatives in coordina-

tion with the Special Representative of the Secretary-General and Commander of IPTF, in order to ensure that these programmes can be carried forward as planned.

143. I welcome the authorization by the Security Council to lift the ceiling for IPTF monitors, in order to be able to take part in the full implementation of the Brcko supervision. I regret, however, that it has taken so long to obtain approval for the IPTF increases necessary to reinforce human rights supervision procedures agreed at the London Conference.

144. An issue of particular concern to me is the question of full cooperation with the International Tribunal for the Former Yugoslavia. Neither the Federation nor the Republika Srpska cooperates to the extent required, and I am particularly concerned with situations where indicted persons hold public positions or exercise de facto political influence.

145. According to my information, persons indicted by the Tribunal hold public office or exercise public functions in the Republika Srpska municipalities of Bosanska Samac and Foca. I will recommend to international organizations that they cease all contacts with these municipalities, other than those necessary for assembling information, organizing election matters or helping individuals in need. In the Federation, I am worried that a number of indicted persons living and working in the municipality of Vitez are tolerated.

146. Of further concern are the ongoing activities of Mr. Radovan Karadzic in the Republika Srpska. In spite of his undertakings to the contrary, and those of the Republika Srpska leadership, he seeks consistently to influence the political process. He remains a force of evil and intrigue that can only taint those personalities and institutions of the Republika Srpska which continue to tolerate his activities. This applies, in my judgement, to the member of the Presidency of Bosnia and Herzegovina, Mr. Krajisnik. I would therefore recommend that contacts with him be limited to essential business related to his function as a member of the Presidency.

147. It remains my opinion that these issues must be resolved if we are to carry the political part of the peace process forward as envisaged.

148. Although we are only at the beginning of the consolidation period, it is only natural that we should look ahead in order to meet the different challenges.

149. It will take time, even under the best of circumstances, for the political institutions of Bosnia and Herzegovina, with the help of the international community, to implement all the civilian and related provisions of the Peace Agreement. The rebuilding and reintegration of Bosnia has progressed faster than any other comparable post-war situation, but it still has a very long way to go. War is an evil event in any society, the effects of which take years, decades and even generations to overcome.

150. Increasingly, we must concentrate on preventing the political development of the country from moving in a direction contrary to the Peace Agreement. In this regard, I am considering the need for us to prevent three courses of action, which might otherwise be pursued by one or the other of the political leaderships of the country or region.

151. The first of these, which needs to be blocked, is the military option. Until June 1998, the deterrent effect of the SFOR will ensure this. But it is, in my opinion, important that the message is sent that the international community will not tolerate any attempt to resort to armed force in the period thereafter.

152. It is only by removing the military option — the temptation to use military force, or the fear that military force will be used — that we can ensure the concentration on the political, economic and social issues and challenges so desperately required.

153. The second is the option of secession from Bosnia and Herzegovina. I am far less concerned with the dangers of overt secession — which will never be tolerated by the international community — than with the evident risks of creeping secession concerning both the Croat and the Serb areas.

154. In this context, I have called attention to the nature of the concluded agreements on special and parallel relations with the Republic of Croatia and the Federal Republic of Yugoslavia. It is, in my view, necessary to bring these into line with the provisions of the constitution of Bosnia and Herzegovina.

155. The third of these options is that of domination of the existing political institutions by one group, namely the Bosniaks, with only lip-service being paid to the concept of power-sharing.

156. Indeed, there are signs of old structures being kept alive despite the fact that they should have been disbanded as the structures of the Federation and the new common institutions of Bosnia and Herzegovina are established. The fact that not one single ambassador has been appointed or reconfirmed, regardless of the agreement that this should have been carried out before 31 March, points to a similar danger of domination contrary to the spirit and letter of the Peace Agreement.

157. The challenges ahead remain large. It is easy to see what needs to be done as well as the difficulties we face. Nevertheless, if there is the right international commitment to Bosnia and Herzegovina and the region in the years ahead, I remain convinced that peace in the country will strengthen, as the simultaneous forces of European integration and cooperation create an increasingly strong web of stability and security for the region as a whole.

DOCUMENT S/1997/311

Report of the Secretary-General on the United Nations Mission in Prevlaka

[Original: English]
[14 April 1997]

I. INTRODUCTION

1. By its resolution 1093 (1997) of 14 January 1997, the Security Council decided, *inter alia*, to extend the mandate of the United Nations Mission of Observers in Prevlaka (UNMOP) until 15 July 1997. In the same resolution, the Council called upon the parties to adopt the practical options proposed by the United Nations military observers for the improvement of safety and security in the area as referred to in the report of the Secretary-General of 31 December 1996 [*S/1996/1075*] and requested me to report by 15 April 1997 on progress made in implementing those practical options, in particular regarding the freedom of movement of the military observers throughout the entire area and respect for the demilitarization regime. The present report is submitted pursuant to that request.

II. THE SITUATION IN THE AREA OF RESPONSIBILITY OF THE UNITED NATIONS MISSION OF OBSERVERS IN PREVLAKA

2. With an authorized strength of 28 military observers (see annex), UNMOP continues to monitor the demilitarization of the Prevlaka peninsula and of neighbouring areas in Croatia and the Federal Republic of Yugoslavia by carrying out vehicle and foot patrols on both sides of the border. As part of its work, it holds regular meetings with local authorities in order to reduce tension, improve safety and security and promote confidence between the parties. In this context, the Chief Military Observer, Col. Harold Mwakio Tangai (Kenya), held meetings with the authorities in Zagreb, Belgrade and Podgorica during February and March 1997 in order to discuss issues arising from resolution 1093 (1997).

3. While the situation in the UNMOP area of responsibility has been generally stable, tension increased as a result of several developments. In particular, concern mounted in the wake of a substantial increase, beginning in mid-December 1996, in the number of Croatian special police personnel in the United Nations designated zones. UNMOP estimates that the increase amounts to a doubling of the strength of the special police in those areas. Inquiries to both local and national authorities have failed to elicit an explanation of the increase. Also contributing to the tension was the fact that on two occasions Croatian heavy weapons were observed inside the demilitarized zone. In February 1997, a three-day exercise by the Yugoslav navy outside the UNMOP area of responsibility prompted a strong reaction by Croatia, which partly restricted the movement of United Nations military observers on coastal roads inside the demilitarized zone for the duration of the exercise. The following month, the United Nations controlled zone was violated by a Yugoslav navy missile boat. Croatian police boats also enter the United Nations controlled zone occasionally.

III. Progress towards adoption of the practical options

4. Since the adoption of Security Council resolution 1093 (1997), the parties have made no progress towards adopting the practical options that are part of the procedures proposed by UNMOP in May 1996 to reduce tension and improve safety and security in the area. Long-standing violations of the demilitarization regime described in my last report [*ibid., paras. 5 and 7*] persist. In connection with the proposed practical options, it should be noted that both parties continue to restrict the freedom of movement of UNMOP in the northern part of the demilitarized zone and that access elsewhere is denied randomly and even, at several Croatian positions, constantly. Minefields laid beside routes patrolled by United Nations military observers on both sides of the international border in the demilitarized zone still constitute a hazard to United Nations military observers.

5. In discussions with relevant authorities in Zagreb, Belgrade and Podgorica, the Chief Military Observer has conveyed the new elements contained in Security Council resolution 1093 (1997), in particular the Council's expression of concern at violations that had dangerously increased tension, its call to the parties to adopt the practical options and its request for a report by mid-April 1997 on progress made in that regard, and its call to the parties to cease and refrain from all violations and from military and other activities that might increase tension, to cooperate fully with the United Nations military observers and to ensure their safety and freedom of movement, including through the removal of landmines. The Chief Military Observer has offered specific suggestions to the parties on the lifting of restrictions on the United Nations military observers' freedom of movement and on the removal of landmines.

6. The Chief Military Observer has found no willingness among the parties to take unilateral steps to improve respect for the demilitarization regime in Prevlaka and its neighbouring areas. Although neither party refuses to consider removing minefields or lifting restrictions on the movement of United Nations military observers, both insist that such steps can be undertaken only in the context of a reciprocal arrangement. The experience of UNMOP has shown that the parties' requirement of guaranteed reciprocity makes meaningful progress on the issue extremely difficult, if not impossible.

7. The parties raised various concerns related to the work of UNMOP. In Zagreb, the Ministry of Foreign Affairs objected to the number of visitors to Prevlaka and to certain procedures followed by the military observers. Croatia has also questioned the balance of UNMOP assessments in its reporting. In Podgorica, President Momir Bulatovic stated that UNMOP had attempted, with its proposed procedures for improvement of safety and security in the area, to reduce the dimensions of the so-called "Blue Zone", which is part of the demilitarized zone. Progress in adoption of the practical options would be unthinkable until an acceptable explanation of the reduction had been provided. This view is shared by the Federal Republic of Yugoslavia. It is, however, the position of the Chief Military Observer that no revision of the dimensions of the United Nations designated zones was implied in the proposed procedures, which are aimed solely at improving the security and safety of the United Nations military observers and contributing to confidence-building between the parties.

IV. Observations

8. The parties have indicated to the Chief Military Observer that their continuing bilateral negotiations pursuant to the Agreement on Normalization of Relations, signed at Belgrade by Croatia and the Federal Republic of Yugoslavia on 23 August 1996, have not yet addressed the Prevlaka issues directly and that there has been no progress towards a settlement of the dispute. In this situation, UNMOP will continue to carry out its mandate, within the existing practical constraints. It will also continue its efforts to enhance security and safety in its area of responsibility and to contribute to confidence-building between the parties.

ANNEX

Composition of the United Nations Mission of Observers in Prevlaka as at 10 April 1997

Country	Military observers
Argentina	1
Bangladesh	1
Belgium	1
Brazil	1
Canada	1
Czech Republic	1
Denmark	1
Egypt	1
Finland	1
Ghana	2
Indonesia	2
Ireland	1
Jordan	1
Kenya	2
Nepal	1
New Zealand	1
Nigeria	1
Norway	1
Pakistan	1
Poland	1
Portugal	1
Russian Federation	1
Sweden	1
Switzerland	1
Ukraine	1
TOTAL	28

DOCUMENT S/1997/319

Letter dated 18 April 1997 from the representative of the United Republic of Tanzania to the President of the Security Council

[Original: English]
[18 April 1997]

I have the honour to transmit to you a copy of the official communiqué of the Fourth Arusha Regional Summit on the Burundi conflict, which met in the United Republic of Tanzania on Wednesday, 16 April 1997.

I should appreciate it if the present letter and the attached communiqué could be circulated as a document of the Security Council.

(Signed) Daudi N. MWAKAWAGO
Permanent Representative
of the United Republic of Tanzania
to the United Nations

ANNEX

Joint communiqué of the Fourth Arusha Regional Summit on the Burundi conflict, issued on 16 April 1997

1. At the invitation of President Benjamin William Mkapa of the United Republic of Tanzania, Presidents Daniel Arap Moi of Kenya, Yoweri Kaguta museveni of Uganda, Frederick Chiluba of Zambia and Prime Ministers Meles Zenawi of Ethiopia and Celestin Rwigyema of Rwanda held their fourth Summit on the Great Lakes region in Arusha on 16 April 1997 to take stock, in particular, of the recent developments in the Burundi conflict. The President of Burundi, Major Pierre Buyoya, was also invited to attend.

2. Also participating in the Regional Summit were the Secretary-General of the Organization of African Unity, Mr. Salim Ahmed Salim, and the Facilitator of the Peace Process, Mwalimu Julius Nyerere.

3. The Regional Summit reviewed the situation and developments in Burundi, since its last meeting on 12 October 1996. The Summit also heard the presentation of President Pierre Buyoya of Burundi on the actions he had taken so far in response to the demands of the regional leaders for the restoration of normalcy and a negotiated end to the current conflict in Burundi.

4. The Regional Summit underscored the importance of negotiations as being about a political solution to the problems in Burundi. The Summit welcomed the continuing efforts being made by Mwalimu Julius Nyerere, as Facilitator of the Arusha and Mwalimu Peace Process. It reiterated its full support for Mwalimu Nyerere and encouraged him to continue with those efforts.

5. The Regional Summit underscored the fact that as far as Burundi was concerned, its objectives and those of the African continent as well as the wider international community converge on the need to end the cycle of violence in Burundi and a negotiated settlement to the conflict in that country. In order to facilitate the early attainment of these common objectives, the Regional Summit appeals to the rest of the continent, and especially to the international community, to exert full political, economic and diplomatic pressures on all the parties in Burundi to pursue a negotiated settlement to the conflict. Such pressures should include an arms embargo, as well as the denial of visas to those who are deemed to be obstructing the peace process. The Summit stressed that no one should arm any of the protagonists and called for the immediate cessation of hostilities.

6. The Regional Summit called on the Government of Burundi and all the parties to the conflict urgently to take steps to create the necessary environment propitious for negotiations and national reconciliation to take place. In particular, the Summit called on the Government to disband the "regroupment" camps and allow the people to resume their normal activities without any hindrance.

7. The Summit considered that for the creation of a conducive spirit for national reconciliation and negotiations to take place, the Government of Burundi is urged to restore the freedom of the Speaker of the National Assembly and facilitate his work. The Summit considers him an important interlocutor in the process of negotiations.

8. The Regional Summit decided also to expand with immediate effect the easing of sanctions to include all food and food products, all items relating to education and construction materials, as well as all types of medicines, and all agricultural items and inputs in order to alleviate the suffering of the people of Burundi.

9. The Regional Summit decided to designate immediately focal points in every country to facilitate the smooth and efficient implementation of this decision. In the meantime, the Summit called for the speedy and efficient implementation of the exemptions already agreed upon so as to ensure an uninterrupted flow of humanitarian assistance.

10. The Summit declared its readiness to suspend all sanctions, with the exception of the arms embargo, once there is movement in the negotiations.

11. The Regional Summit expressed its gratitude to President Benjamin William Mkapa and to the people and Government of the United Republic of Tanzania for hosting the Summit and for the hospitality accorded to the heads of delegation.

DOCUMENT S/1997/324

Letter dated 16 April 1997 from the representative of Kuwait to the President of the Security Council

[Original: Arabic]
[21 April 1997]

In my capacity as Chairman of the Group of Arab States for the month of April 1997 and on behalf of the States members of the League of Arab States, I have the honour to transmit herewith the text of resolution 5638 of 31 March 1997, entitled "The situation in Somalia", adopted at the one hundred and seventh regular session of the Council of the League of Arab States.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Ali AL-SAUD
Chargé d'affaires a.i.
of the Permanent Mission of Kuwait
to the United Nations
and Chairman of the Group of Arab States

ANNEX

The situation in Somalia

The Council of the League of Arab States,

Having considered the note by the General Secretariat, the previous resolutions of the Council on this question and the recommendation of the Political Affairs Committee,

Having studied the most recent developments in the situation in Somalia,

Proceeding from the Declaration of the Arab Summit Conference held in Cairo from 21 to 23 June 1996,

Considering the resolutions of the Security Council on this subject, in particular resolution 733 (1992), and the statement by the President of the Council dated 25 February 1997,

Reaffirming the complementarity between action by Arabs and the efforts of all international and regional organizations, the other international parties and the States bordering on Somalia, and the necessity of coordinating all such action with a view to ensuring the stability, unity, integrity and sovereignty of Somalia, which will help to strengthen stability in the region as a whole,

Expressing its satisfaction with the positive attitudes expressed by the Somali leaders who took part in the 1996 Nairobi meeting, their dialogue aimed at establishing peace and security and reopening the port and airport of Mogadishu, the agreement concluded between the Somali factions in Addis Ababa on 4 January 1997 to establish a Council of National Salvation of Somalia and their intention to pursue the dialogue with other Somali parties which have not participated in this agreement, and underscoring the importance of participation by the other Somali parties in these peace efforts aimed at achieving national reconciliation,

Having heard the statements by the Ministers for Foreign Affairs and the presentation by the Secretary-General concerning the latest developments with regard to Somalia, in the light of the meeting he has had in Cairo with the Executive Committee of the Council of National Salvation of Somalia,

1. *Urges* all the Somali parties to desist immediately from the fighting and to settle their disputes by means of dialogue and national reconciliation, which is the only way to end the bloodshed in Somalia, alleviate the suffering of the Somali people and safeguard its supreme national interests;

2. *Welcomes* the positive and peaceful developments in the situation, including the creation of the Council of National Salvation of Somalia, announced in Sodere, Ethiopia, and calls upon the members of the Council of National Salvation to pursue a dialogue with all the other Somali parties with a view to achieving national reconciliation in Somalia;

3. *Calls upon* the Special Ministerial Committee on Somalia to redouble its efforts to have contacts with the different Somali factions, States bordering on Somalia and the relevant international and regional organizations and to establish coordination with them aimed at securing a peaceful settlement of the Somali conflict, the holding of a national reconciliation conference within Somalia and the establishment of a broadly representative national authority reflecting the wishes of the different segments of the Somali population;

4. *Expresses its appreciation* for all the efforts made at the local, regional and international levels to promote a peaceful settlement in Somalia, and reaffirms the importance of the complementarity of all such efforts with a view to ensuring Somalia's stability, sovereignty, unity and territorial integrity;

5. *Calls upon* international and regional organizations, in particular the United Nations, the Organization of African Unity, the Organization of the Islamic Conference and the European Union, to strengthen their cooperation with the League of Arab States in order to assist the Somali parties to pursue the national dialogue and achieve Somali reconciliation;

6. *Calls upon* the international community to continue to provide humanitarian assistance in all parts of Somalia and to allocate financial resources and in-kind contributions to assist the Somali people in promoting the recovery and reconstruction of its country once security and stability have been achieved in Somalia;

7. *Calls upon* the international community, as represented by the United Nations and its specialized agencies, to take the necessary measures to put an end to the disposal by certain parties of toxic wastes in Somali territory and to illegal fishing in Somalia's territorial waters;

8. *Urges* all the parties to comply with the embargo on deliveries of weapons to Somalia in accordance with Security Council resolution 733 (1992) so as to contribute to security in Somalia and help to bring about a peaceful settlement of the Somali crisis;

9. *Calls upon* member States to pay their financial contributions in order to enable the League of Arab States to assume its political and humanitarian role vis-à-vis the Somali people, to participate in the restoration of stability throughout the Somalia territory and to safeguard Somalia's unity and national sovereignty;

10. *Expresses its gratitude* to the State of Kuwait for its speedy offer of a contribution of $100,000 to support the national reconciliation efforts in Somalia;

11. *Expresses its gratitude and pays a tribute* to the State of Qatar, represented by His Highness Sheikh Hamad Bin Khalifa Al-Thani, Emir of the State of Qatar, who has announced that he would defray the costs of the national reconciliation conference which is to be held in Somalia;

12. *Requests* member States, the Ministerial Committee and relevant Arab bodies, funds and institutions to continue to provide material and humanitarian assistance to the Somali people and to allocate the necessary financial and technical resources for recovery and reconstruction in Somalia in coordination with the General Secretariat of the League of Arab States;

13. *Requests* member States to provide assistance in the cultural sphere, to provide access for Somali pupils and students to their schools, institutes and universities and to provide study grants to them in order to preserve the Arab identity of Somalia;

14. *Expresses its gratitude* to the Secretary-General for the efforts he has made and requests him to continue his endeavours to promote national concord in Somalia and to submit a report to the Council at its next session.

(Resolution 5638, 11 March 1997).

DOCUMENT S/1997/339

Letter dated 28 April 1997 from the representative of Georgia to the President of the Security Council

[Original: English]
[28 April 1997]

I have the honour to transmit herewith the text of a letter dated 23 April 1997 from the President of Georgia, Mr. Eduard Shevardnadze, regarding the situation in Abkhazia, Georgia.

May I ask your kind assistance in having the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Peter CHKHEIDZE
Permanent Representative of Georgia
to the United Nations

ANNEX

Letter dated 23 April 1997 from the President of Georgia to the President of the Security Council

I want to express to you my deepest personal regards and to welcome you as President of the Security Council. I would also like to greet the new Security Council members and wish them success in their work, which carries such enormous responsibility.

On behalf of the Government of Georgia, I thank the United Nations and the Security Council, whose resolutions have helped develop the legal framework for the settlement of the conflict in Abkhazia. In this regard, of particular importance are also the final documents of the Budapest and Lisbon summits of the Organization on Security and Cooperation in Europe (OSCE), wherein the past and continuing ethnic cleansing conducted by the separatist leaders and the mass destruction of the civilian population — predominantly Georgians — are clearly renounced. These documents were largely based on the conclusions of the State Commission for the Investigation of the Policy of Ethnic Cleansing/Genocide carried out against the Georgian Population in Abkhazia, Georgia.

This Commission recently completed its work. Their evidence points to the separatist policy of forcibly altering the demographics of Abkhazia and to the grave atrocities committed in the process. The Commission's findings were disseminated as documents of the United Nations, as well as of the Commission on Human Rights. All this suggests that we could consider punitive measures against these perpetrators of crimes against humanity, especially since the issue of creating an international criminal court is now on the United Nations agenda. It would be desirable for the United Nations to contemplate sending experts to Georgia, who would, both independently and jointly with the Commission, make a full examination of the facts of grave crimes, including ethnic cleansing, since the Abkhaz territory is inaccessible to us today.

I would like to draw the attention of the honoured members of the Security Council to the fact that according to the latest decisions of the Heads of the Commonwealth of Independent States, the peacekeeping forces are to move deeper into the conflict zone and create security guarantees for repatriated refugees and internally displaced persons. There are, however, signs that the successful implementation of this operation is threatened, primarily because the separatist leadership opposes their return, as is the phased restoration of the natural regional demographics which would be an inevitable consequence of an expanded peacekeeping mandate.

The separatist leadership continues to engender chaos in the region, while blaming the Georgian side for violating agreements. They terrorize the returnees and plant landmines in the Gali and Ochamchira regions. This hinders the peacekeepers and the United Nations Observer Mission in Georgia from carrying out their mandates. It is becoming obvious that under such circumstances the implementation of the organized and dignified return of the refugees and internally displaced persons in accordance with the timetable worked out by the quadripartite agreements on voluntary return of refugees and displaced persons of 4 April 1994 and the United Nations High Commissioner for Refugees — which is a main component of the conflict settlement — is not feasible.

Regrettably, United Nations appeals to the separatist regime and its approval of Georgia's proposals regarding conflict resolution have been thus far unsuccessful. It is clear that without drastic measures, the situation is approaching a critical point, and that with further exacerbation, it could become irreversible. It is impossible to rely indefinitely on methods of persuasion. It is time to consider the combination of persuasion and coercion. In our opinion, it is imperative that the United Nations play in the solution of the conflict by invigorated, and we must plan for, its comprehensive resolution based on the principles of the United Nations and OSCE.

In order to achieve a political settlement of the conflict, Georgia remains ready to take any steps recommended by the Security Council. We are confident that the Abkhaz, the Georgians and representatives of all ethnic groups living in the region will be able to coexist peacefully in the future. This will be ensured by the pertinent decisions of the United Nations and the Security Council.

(*Signed*) Eduard SHEVARDNADZE

DOCUMENT S/1997/340

Report of the Secretary-General concerning the situation in Abkhazia, Georgia

[Original: English]
[25 April 1997]

I. INTRODUCTION

1. The present report is submitted in pursuance of resolution 1096 (1997) of 30 January 1997, in which the Security Council decided to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) for a new period, terminating on 31 July 1997, and requested me to continue to keep the Council regularly informed and to report after three months from the date of the adoption of the resolution on the situation in Abkhazia, Georgia, including on the operations of UNOMIG, and to provide recommendations in that report on the nature of the United Nations presence. The present report provides an update of the situation as at mid-April 1997.

II. POLITICAL ASPECTS

2. The absence of progress in the settlement of the Georgian/Abkhaz conflict, including the problem of the refugees and internally displaced persons, has created widespread dissatisfaction among the Georgian population and the country's leadership is being increasingly urged to take decisive action to resolve the conflict. This mood was clearly conveyed to me by the Chairman of the Parliament of Georgia, Mr. Zurab Zhvania, with whom I met on 13 March 1997 in New York. From 2 to 21 March, 10 deputies of the "Abkhazeti" faction in the Georgian Parliament staged a hunger strike in Tbilisi, demanding the withdrawal of the peacekeeping force of the Commonwealth of Independent States (CIS) from Abkhazia and South Ossetia.

3. The serious economic and social problems in Abkhazia have been exacerbated by the region's isolation from the international community. In particular, the decision on measures to settle the conflict in Abkhazia, Georgia, adopted by the Council of Heads of State of CIS on 19 January 1996 [*see S/1996/74, annex IV*], has created additional hardship. This situation has generated frustration among the population and has increased pressure on the leadership to solve these problems.

4. Bilateral contacts between the two sides have continued. There have been several contacts by telephone between the President of Georgia, Mr. Eduard Shevardnadze, and the Abkhaz leader, Mr. Vladislav Ardzinba, who have agreed to establish a joint/bilateral commission chaired by senior representatives from both sides. Bilateral contacts at the working level have also taken place, most notably a meeting in early March in the Gali region between senior officials responsible for energy problems. Issues addressed during that meeting included the Hydroelectric Power Station at Inguri-GES.

5. In addition to bilateral contacts, consultations with the two sides were conducted by the Russian Federation in early February to spell out the goals of the negotiations and to decide on the machinery for the comprehensive settlement of the conflict. The talks focused on the draft text of a declaration, proposed by the Russian Federation, on the principles for a settlement and confidence-building measures between the parties to the Georgian/Abkhaz conflict.

6. In mid-February, the Ministries of Communication of Georgia and the Russian Federation signed an agreement on communications systems according to which all external telephone communications to and from Sukhumi should be routed through Tbilisi, instead of through the territory of the Russian Federation. The agreement has been protested against by the Abkhaz leadership, which has threatened to end all contacts with the Georgian side if the status quo ante is not restored.

7. At the meeting of the Council of Heads of State of CIS, held in Moscow on 28 March, it was decided that States members should endeavour to reach, as soon as possible, a comprehensive political settlement of the conflict in Abkhazia, Georgia, and an agreement on the return of refugees and displaced persons to their homes. The meeting also called for the implementation and monitoring of the decision on the conflict adopted on 19 January 1996 and gave full support for the sovereignty and territorial integrity of Georgia within its internationally recognized borders [*see S/1997/268, annex II*].

8. During the reporting period, representatives of a number of European organizations visited Georgia, including Abkhazia. In mid-March, the Vice-President of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE) and Special Rapporteur on the situation in Abkhazia, Mr. Wojciech Lamentowicz, visited Tbilisi and Sukhumi. In late March, a delegation of the Committee on Relations with European Non-Member Countries of the Parliamentary Assembly of the Council of Europe visited Georgia. Also in late March, a delegation of the European Union (EU) visited Inguri-GES to review the assistance required to rehabilitate the dam and the hydroelectric power station.

9. A number of non-governmental organizations and research institutions in Austria, the Russian Federation and the United States of America, among others, have brought together Georgian and Abkhaz individuals to discuss problems of common interest, with a view to facilitating progress towards the political settlement of the conflict.

10. Throughout the reporting period, the members of the group of Friends of the Secretary-General on Georgia maintained contact collectively and individually with the parties to the conflict and with my representatives at Headquarters and in the field. The Governments concerned have indicated their willingness to support renewed United Nations efforts in the peace process.

11. As set out in my previous report [*S/1997/47*], I have started to explore possible ways to revive the role of the United Nations in the Georgian/Abkhaz peace process. To this effect, I had consultations with my Special Envoy, Ambassador Edouard Brunner, as well as with his Deputy,

Mr. Liviu Bota, in New York on 13 March and 2 April, respectively. I have also pursued the question of modalities of cooperation between the United Nations and the Russian Federation, in its capacity as facilitator in the Georgian/Abkhaz peace process. In this context, Ambassador-at-large Lev Mironov of the Russian Federation visited Headquarters on 7 and 8 April for consultations.

III. HUMANITARIAN SITUATION AND HUMAN RIGHTS

12. The humanitarian situation in Abkhazia, Georgia, continues to be difficult. United Nations agencies and non-governmental organizations, such as the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the United Nations Volunteers programme, the International Committee of the Red Cross (ICRC), Action contre la faim and Medecins sans frontières, are implementing humanitarian programmes in Abkhazia and in other parts of Georgia. The Department of Humanitarian Affairs coordinates their activities in the region through its office in Sukhumi. These organizations and agencies have continued their efforts to address the most pressing needs of the population of Abkhazia and have been providing food and medicine to the most vulnerable sectors of the population. In addition, they are engaged in activities such as emergency repair of houses and distribution of agricultural products. They have also undertaken confidence-building measures by bringing together non-governmental organizations from Tbilisi and Sukhumi.

13. Mines continue to prevent humanitarian organizations from operating freely in the Gali sector and to threaten civilian activities in the Gumista River area, north of Sukhumi, and parts of the Kodori Valley. The spontaneous return of internally displaced persons to the Gali sector that took place in 1995 and parts of 1996 has subsided, except for some villages in the south-western part of the sector where UNHCR has recently started to provide agricultural assistance. In addition, aid agencies are pursuing their contingency planning in order to support the return of refugees and displaced persons once the process resumes [*ibid., para. 14*].

14. Humanitarian agencies require additional voluntary contributions to continue their activities. In the Zugdidi area, funding for certain humanitarian aid programmes ended on 1 April and, as a result, non-governmental organizations ceased the distribution of food and medicine in the area. However, these organizations will maintain offices in Zugdidi in order to continue other relief programmes.

15. The recently established United Nations office for the protection and promotion of human rights in Abkhazia has begun its work and the Abkhaz authorities have shown readiness to work with it. The establishment of the office has already produced some promising results, as reflected in the creation of a grass-roots organization for human rights and democracy in Abkhazia and in the establishment by the Abkhaz leader, Mr. Ardzinba, of a human rights commission within his administration to cooperate with the United Nations office.

16. In the initial phase, the head of the office, Ms. Elisabeth Stam, established contacts with representatives of the Government of Georgia and the Abkhaz authorities and with organizations concerned with human rights issues, including civic education. Translation into the Abkhaz language of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights has been initiated. In addition, a basic but systematic monitoring of human rights violations has commenced, which focuses on compliance by the Abkhaz authorities with international human rights standards.

17. The United Nations and OSCE continue to hold consultations on the modalities of their cooperation regarding the human rights office.

IV. OPERATIONS OF THE UNITED NATIONS OBSERVER MISSION IN GEORGIA

18. During the reporting period, UNOMIG continued to operate in the security and restricted weapons zones of the Zugdidi sector and in the Kodori Valley. With regard to the Gali sector, the arrival of mine-protected and other vehicles and the resumption of resurfacing of those parts of the main roads which are judged to be especially vulnerable to mine-laying [*ibid., para. 11*] have restored the Mission's ability to patrol the sector and enabled it to reopen team bases in Zemo-Bargevi and Inguri-GES without unduly risking the lives of the military observers. Accordingly, the Mission now has three team bases in the Gali sector — at Zemo-Bargevi, Inguri-GES and Gali town. Patrols from those bases have established contacts with village mayors and other inhabitants so as to assist UNOMIG and the various United Nations agencies and non-governmental organizations operating in the area in their work. It is the Chief Military Observer's assessment that UNOMIG is now implementing its mandate satisfactorily and will be able to implement it fully and under sufficiently secure conditions once mine-detection vehicles and related engineering support are deployed [*see S/1996/507, para. 38*]. As Council members are aware [*see S/1997/291 and S/1997/292*], the Chief Military Observer, Major-General Per Källström (Sweden), is scheduled to complete his assignment on 30 April 1997. His successor, Major-General Harun-Al-Rashid (Bangladesh), will assume his duties the following day.

19. One hundred and twenty-one military observers are currently deployed in the mission area (*see annex*). In this regard, it will be recalled that, in anticipation of the arrival of some 20 engineering support personnel who will undertake mine-detection and clearing, the Mission had planned gradually to reduce the number of its military observers to 116 [*see S/1997/47, para. 16*]. However, following a thorough review of operational requirements and bearing in mind the remaining limitations on UNOMIG patrolling, the Chief Military Observer has advised me that a total of 106 observers should be sufficient to enable UNOMIG to carry out the tasks entrusted to it under resolution 937 (1994) of 21 July 1994. This number, together with the 20 engineers whose presence continues to be necessitated by the mine problem, would thus bring the strength of the Mission to 126.

20. The Kodori Valley team base at Azhara, which was closed for the winter on 29 November 1996 [*ibid., para. 38*], should be reopened shortly. However, reopening will have to

wait until a section of the road leading to the team base, which was rendered impassable by a landslide, is cleared and reopened to traffic. In the meantime, UNOMIG has been meeting with the CIS peacekeeping force and the Abkhaz army at their checkpoints in the lower Kodori Valley. Meetings have also been arranged on occasion with representatives of the Svanetian community.

21. As mentioned in my previous report [*ibid., para. 19*], representatives of the police, militia and security services from both sides are now included in the weekly quadripartite meetings chaired by the Commander of the CIS peacekeeping force and attended by the Chief Military Observer and the local representatives of the Georgian and Abkhaz administrations. Although these meetings continued to enable the parties to discuss security and humanitarian issues, they were suspended for two weeks in February by the Abkhaz side to press for the release of two of their soldiers abducted in the restricted weapons zone on 14 November 1996 [*ibid., para. 24*]. The meetings resumed subsequently after the soldiers were returned. The weekly police meeting, which enables the head of the Gali militia and the Chief of the Zugdidi police to discuss security matters and exchange information [*ibid., para. 19*], remains suspended owing to the absence of representatives from the Abkhaz militia.

22. UNOMIG continues to cooperate with United Nations agencies and non-governmental organizations working on both sides of the Inguri River. The Mission's medical teams have again provided first aid to CIS peacekeeping force personnel and members of the local population and have assisted with medical evacuations.

V. SITUATION ON THE GROUND

A. *General*

23. The situation in the Gali restricted weapons zone and, in particular, the security zone, remains unsettled and tense. Acts of violence, including common crime, continued during the reporting period and even increased during the first weeks of April. The most serious such incident was the direct targeting of the CIS peacekeeping force by unknown persons, resulting in the tragic death of three members of the force. In addition, 10 members of the force were injured in four separate incidents in which the force itself appeared to be the primary target.

24. Stability in the security and restricted weapons zones of the Gali sector was severely affected by a rise in the crime rate during the winter period—reportedly the coldest in many years—which saw numerous acts of looting and armed robbery. Instability was exacerbated during the period by the continuing inability of the Abkhaz militia to maintain law and order in the region despite a recent increase in its strength. Another contributing factor was the reaction of the CIS peacekeeping force to direct targeting, which prompted it to cease active patrolling from its checkpoints for two weeks. Patrolling has since resumed, although in a limited fashion.

25. In spite of vigorous efforts to increase the safety of the Mission's staff, including arrangements with the CIS peacekeeping force, systematic patrolling in groups of two vehicles and round-the-clock protection of the Mission's installations and assets, UNOMIG personnel and property were the victims of acts of robbery and theft on seven occasions during the reporting period on both sides of the Inguri River. The most serious incidents occurred on 12 February, when a local security guard employed by UNOMIG was beaten and robbed while on duty in Pitsunda and, on 13 February, when a UNOMIG vehicle was stopped and robbed at gunpoint by masked men on the M-27 road. Additionally, UNOMIG vehicles were broken into on three separate occasions and various pieces of equipment were stolen.

B. *Security and restricted weapons zones*

26. Several murders, attacks and looting incidents were reported in the security and restricted weapons zones during the period under review. The most serious incident was a mine attack on 22 February against an armoured personnel carrier of the CIS peacekeeping force, which was disabled by the explosion. A reinforced radio-controlled mine subsequently destroyed an ambulance travelling with two armoured personnel carriers of the CIS force, killing three medical personnel of the force. UNOMIG protested against this action to the authorities on both sides and demanded the cessation of all terrorist activities. The action was also condemned by the representatives of the Friends of the Secretary-General on Georgia in Tbilisi and by the Security Council. In another incident, on 23 March, two individuals were killed while placing a reinforced mine on a main road in the restricted weapons zone of the Gali sector. The equipment used by the minelayers and their modus operandi indicate that they were highly professional and probably part of a well-organized group.

27. Both sides have generally complied with the Agreement on a Ceasefire and Separation of Forces, signed in Moscow on 14 May 1994 [*S/1994/583, annex I*], the relatively high number of violations notwithstanding. Since my last report, UNOMIG has reported 11 violations of the Agreement by the Abkhaz side and 56 by the Georgian side. Most of these were minor.

C. *Kodori Valley*

28. The situation in the Kodori Valley reportedly remained calm throughout the period covered by the present report, during which the UNOMIG team base was closed. The Georgian police are still present in the upper part of the valley, which obviously contributes to the improved situation. UNOMIG has continued to conduct periodic meetings with Svanetian representatives. The Mission's relations with the local representatives are excellent.

D. *The mine problem*

29. Mines continue to be a most serious problem in the Gali security and restricted weapons zones. No further incidents of indiscriminate use of mines on the M-27 road have been reported, but UNOMIG military observers continue to limit their movement and to wear protective clothing when transiting through the Gali sector.

30. The death of three members of the CIS peacekeeping force on 22 February has had a significant effect on the operations of the force. As mentioned above, some patrolling

was suspended in February and March, leaving the region open to the activities of armed groups and common criminals. As a result, the threat of violence in the Gali sector remains high. A total of 10 mine explosions in seven separate incidents were reported during the period; on two occasions, reinforced multiple mines were used as one device.

31. Although UNOMIG has sometimes been targeted by bandits and common criminals, there is no indication that its personnel or equipment are the target of other armed groups operating in the area. On the other hand, there is little doubt that CIS peacekeeping force personnel, the Abkhaz militia and some local inhabitants have been targeted by the minelayers.

32. Members of the Council will recall that, while awaiting a reply from a Government regarding the provision of mine-detection vehicles and support personnel, UNOMIG had developed an interim concept of operations that entailed the deployment of helicopter support. As described above (see para. 18), the problems faced by UNOMIG in the mission area are no longer as serious as they were. Resurfacing of the main roads, which was delayed significantly by the severe winter weather, has now resumed and mine-protected vehicles, along with other means of patrolling, have been deployed with success in the Gali sector. In addition, discussions with the Government, which has been asked to provide mine-detection vehicles, have been progressing. In view of that situation, it has been decided not to pursue the helicopter option.

VI. Cooperation between the United Nations Observer Mission in Georgia and the Collective Peacekeeping Forces of the Commonwealth of Independent States

33. In accordance with its mandate, UNOMIG continues to observe the activities of the CIS peacekeeping force and to cooperate with it. Cooperation on the ground continued as described in my previous report (S/1997/47, para. 33). Cooperation between the two commanding officers has also been very good and has further improved mutual assistance and the sharing of information. This cooperation has had a positive effect on relations at the lower level.

34. At its meeting in Moscow on 28 March 1997, the Council of Heads of State of CIS decided to extend the mandate of the peacekeeping force until 31 July 1997 or until one of the parties to the conflict expressed its wish to terminate the operation. The Council further decided, with a view to the further expansion of the peacekeeping operation, the fullest implementation of the tasks arising from the mandate of the Collective Peacekeeping Forces and the additional provisions to it, to consider it necessary to expand the security zone as provided for in the 14 May 1994 Agreement. In that regard, the Council instructed the command of the CIS Peacekeeping Forces, "in cooperation with the parties, to prepare, within one month, a plan for redeploying the CIS Peacekeeping Forces and other measures relating to the organized return of refugees and displaced persons to [the Gali district]" (see S/1997/268, *annex II*). The Chief Military Observer has advised me that the changes mentioned above do not affect the mandate of UNOMIG or its concept of operations.

VII. Social and Economic Aspects

35. The Government of Georgia continues to ensure coordination of donor activities with the assistance of various United Nations and other agencies and organizations. Statistical data confirm that Georgia has been successful in implementing its economic recovery programme. In 1996, inflation was reduced to 13.4 per cent and the National Bank's hard currency reserves were equal to two and a half months of the country's import needs. The national currency—the lari—continued to be stable and the country's gross domestic product increased by 11 per cent. However, Georgia continues to experience problems in the social sector, particularly in health and education. In view of the damaged economic environment, donor assistance has now shifted towards reconstruction and development, with pockets of humanitarian assistance in areas affected by conflict and in favour of internally displaced persons. The United Nations Development Programme (UNDP) is advising the Government on policy and financial assistance for capacity-building in the economic and social sectors. The United Nations operational activities for development are coordinated by the UNDP Resident Coordinator.

VIII. Observations

36. Both parties to the conflict seem determined to continue their direct contacts and to broaden their bilateral relations. There is no better recipe for progress. It will also make it less likely that either side would seek again to resort to force to settle their respective grievances. I appeal to both sides to pursue, in this spirit, the current discussions over the implementation of the decisions of 28 March 1997 adopted by the CIS Council of Heads of State.

37. In consultations with the Russian Federation (see para. 11 above), reference was made to the support expressed by the Security Council for the Secretary-General's efforts towards a comprehensive settlement of the Georgian-Abkhaz conflict, with the assistance of the Russian Federation as facilitator.

38. The Russian Federation supports a strengthened United Nations involvement in the political process and agrees that future peacemaking efforts will be guided by a better exchange of information and improved coordination. The Russian Federation also favours the active involvement of the United Nations in social and economic areas, possibly through expert group meetings and revitalizing the Coordinating Commission established in May 1994 (see S/1994/529, *annex III*).

39. In response to the increased demands arising from a strengthened United Nations involvement in the peacemaking process, I plan to appoint, as a successor to my current Special Envoy for Georgia, a resident Special Representative who will be based in Tbilisi and Sukhumi. I intend to convene a meeting with both sides at an appropriate location to map out the areas where concrete political progress can be made. In the meantime, I am instructing my Deputy Special Envoy, Mr. Bota, to consult the Russian authorities further on the proposal to revitalize the Coordinating Commission, which could serve as the umbrella for the establishment of expert groups on energy, transportation and communications. It

is also my intention to strengthen the political element of UNOMIG, by deploying, throughout the mission area, a few additional officers specialized in political, civil and legal affairs. These adjustments will be made within the budgeted resources for the current financial year.

40. As reflected in the present report, mine-laying in the Gali sector has not abated, nor is there any indication that the situation in this regard is likely to improve in the near future. In view of this situation, I intend to continue to make every effort to build upon the positive results recently achieved with the arrival of the mine-protected vehicles and the re-surfacing of the main roads in order to improve the safety of the military observers and the operational effectiveness of UNOMIG. The deployment of the mine-detection equipment and support personnel should contribute substantially to that end. However, I do not wish to conceal from the Council that, as in many other peacekeeping operations, the situation in the UNOMIG area continues to be dangerous and risks for the observers cannot be totally ruled out.

41. In conclusion, I should like to thank my Special Envoy, Ambassador Edouard Brunner, his Deputy and Head of Mission of UNOMIG, Mr. Liviu Bota, the Chief Military Observer, Major-General Per Källström, as well as the military and civilian personnel under their command, for their continued dedication and perseverance in carrying out, under difficult conditions, the tasks entrusted to them by the Security Council.

MAP

[*See end of present volume.*]

ANNEX

Composition of the United Nations Observer Mission in Georgia as at 8 April 1997

Country	*Military observers*
Albania	1
Austria	4
Bangladesh	9
Cuba	4
Czech Republic	4
Denmark	4
Egypt	5
France	6
Germany	10
Greece	4
Hungary	5
Indonesia	5
Jordan	7
Pakistan	7
Poland	4
Republic of Korea	5
Russian Federation	3
Sweden	8
Switzerland	5
Turkey	5
United Kingdom of Great Britain and Northern Ireland	8
United States of America	4
Uruguay	4
TOTAL	121*

* The number of military observers may vary owing to rotations.

DOCUMENT S/1997/341

Letter dated 25 April 1997 from the representative of Croatia to the President of the Security Council

[*Original: English*]
[*28 April 1997*]

I have the honour to submit to you herewith a copy of the Agreement of the Joint Working Group on the Operational Procedures of Return, which provides for the Guiding Principles and specific mechanisms for a programme of return of Croatian citizens to their homes throughout Croatia that is voluntary, dignified and safe.

The Joint Working Group on Returns is composed of representatives from the Government of Croatia, the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) and the Office of the United Nations High Commissioner for Refugees (UNHCR).

The Agreement was ratified by the Government yesterday.

May I ask for your kind assistance in distributing the present letter and its annex as a document of the Security Council.

(*Signed*) Ivan SIMONOVIĆ
Permanent Representative of Croatia to the United Nations

ANNEX

Agreement of the Joint Working Group on the Operational Procedures of Return

BASIS OF THE WORKING GROUP

The Joint Working Group on Returns, composed of representatives of the Government of Croatia, UNTAES, and UNHCR, was established pursuant to a decision of the Government of Croatia on 27 March following an agreement reached during the 21 March meeting of H.E. President Franjo Tudjman, UN Transitional Administrator Jacques Paul Klein, and UN High Commissioner Sadako Ogata and working level meetings on 13 and 14 March, 27 March, and 3 April.

THE WORKING GROUP MEMBERS ARE:

Croatian Government: Mr. Stjepan Sterc, Deputy Minister for Development and Reconstruction, Head of Delegation; Mr. Lovre Pejkovic, Head of the Office for Displaced Persons and Refugees; Mr. Neven Honigsberg, Office of the Deputy Prime Minister; Ms. Danica Damjanovic, Assistant to the Minister of Justice.

UNTAES: Mr. Gerard Fischer, Head of Civil Affairs, Head of Delegation; Mr. Goran Stigmer, Head of Civil Affairs Displaced Persons Task

Force, Ms. Piper Campbell, Personal Assistant to the Head of Civil Affairs, Mr. Richard Holtzapple, Political Affairs.

UNHCR: Mr. Pierre Jambor, Chief of Mission, Croatia, Head of Delegation, Mr. Serge Ducasse, Deputy Chief of Mission, Croatia, Mr. Eduardo Arboleda, Chief of Operation, Slavonia, Mr. James Lynch, Head of Office Osijek, Mr. Indrika Ratwatte, Protection Officer, Zagreb.

GUIDING PRINCIPLES

The Working Group will establish the mechanisms to register and process all requests for return into and out of the Croatian Danube Region, disseminate information on the return process, ensure proper operations, develop further mechanisms to address returnee issues, as necessary, and respond to issues arising from the return process which cannot be solved at lower levels.

The Government of Croatia shall provide equal access and equal treatment for safe return, reconstruction, and the other mechanisms specified below for all Croatian citizens who in 1991 resided in the Croatian Danube Region (hereinafter, the Region) or who are currently living there.

Until conditions are created, through the mechanisms described in this agreement, for Croatian citizens to move from the houses they are currently occupying, they may remain in such houses.

Additionally, the Government of Croatia will, with the cooperation of the international community, organize an agency for mediation in selling or exchanging property for legal owners who do not want to inhabit their property any more. The "Land Bank" concept will be developed more fully by the aforementioned Working Group.

The Government of Croatia, UNTAES, and UNHCR will seek international funding for the implementation of the described mechanisms, as they are established.

MECHANISMS FOR THE RETURN OF CROATIAN CITIZENS TO THEIR HOMES

All Croatian citizens with identification cards, displaced from their homes who want to return to their homes should register with the Office of Displaced Persons and Refugees (ODPR) as a first step in the return mechanism. ODPR will collect all necessary information on the forms agreed to by the Working Group. ODPR will submit to the Working Group on a weekly basis a report containing statistics and data for return requests received, "CONFIRMATION ON ARRANGEMENTS FOR RETURN" issued, and returns successfully completed. ODPR records of registrations will be available to all members of the Working Group, upon request. For those who register with ODPR, depending on the condition of the potential returnee's property, the following procedures will apply:

FOR A RETURNEE TO A CROATIAN FAMILY HOME:

1. ODPR will immediately contact the ODPR Office in the area of return in order to verify the information provided by the potential returnee, and simultaneously will confirm with the Ministry of Justice and Interior that there are no outstanding charges against the individual.

2. ODPR will then issue a "CONFIRMATION ON ARRANGEMENTS FOR RETURN" to the potential returnee, with copies to the Ministry of Interior (which will forward the information to the local police station), the Working Group members, and the municipal authorities.

3. ODPR will agree with the returnee and the transportation organizer on return.

4. ODPR, assisted by UNTAES and UNHCR, will organize the return. Upon return, the individual will have legal status as a "returnee".

TRANSITIONAL MEASURES: Until the Joint Working Group agrees that ODPR and other relevant Croatian authorities are in a position to undertake all of the mechanisms described above for returnee into the Region, the following procedures will apply:

1. ODPR will verify that the request for return is for an original family home in the Region.

2. ODPR will contact UNTAES (IP Task Force) which will verify the information provided by the potential returnee.

3. UNTAES will inform ODPR of the housing status and notify the Transitional Police Force (TPF) and municipal authorities.

4. ODPR will issue a "CONFIRMATION ON ARRANGEMENTS FOR RETURN" to the potential returnee.

5. ODPR will agree with the returnee on the modalities/logistics of return.

6. ODPR, assisted by UNTAES and UNHCR, will organize the return. Upon return, the individual will have legal status as a "returnee".

In particular, the "CONFIRMATION ON ARRANGEMENTS FOR RETURN" will be issued within 15 calendar days of registration with ODPR, or ODPR notification of UNTAES (for returnee into the Region). The return should take place as soon as possible thereafter. Where the CONFIRMATION cannot be issued within this timeframe, the Working Group will be informed of the relevant technical issues for consideration. If there is failure to resolve these technical issues, the notification party (Government of Croatia or UNTAES) will ensure that the return is not then executed by the individual(s) until the legal issues.

FOR A RETURNEE TO A SOCIALLY OWNED HOME:

1. ODPR will forward the requests for return back to the Ministry of Development and Reconstruction (MDR).

2. MDR will coordinate with the municipal or city Commission for Temporary Takeover and Use of Property. MDR and the municipal or city Commission will confirm that the house is vacant and unlawfully used, that conditions of security exist to allow the reinstated or new Croatian user be authorized to assign a vacated home to another individual after notification from MDR is received. If the housing has been assigned but is not occupied, the housing assignment will be annulled.

3. MDR will inform ODPR of the housing status.

4. ODPR will then issue a "CONFIRMATION ON ARRANGEMENTS FOR RETURN" to the potential returnee, with copies to the Ministry of Interior (which will forward the information to the local police station), the Working Group members, and the municipal authorities.

5. ODPR will agree with the potential returnee on the modalities/logistics of return.

6. ODPR, assisted by UNTAES and UNHCR, will organize the return. Upon return, the individual will have legal status as a "returnee".

In particular, the "CONFIRMATION ON ARRANGEMENTS FOR RETURN" will be issued within 15 calendar days of registration with ODPR, or ODPR notification of UNTAES (for returnee into the Region). The return should take place as soon as possible thereafter. Where the CONFIRMATION cannot be issued within this timeframe, the Working Group will be informed of the relevant technical issues for consideration. If there is failure to resolve these technical issues, the notification party (Government of Croatia or UNTAES) will ensure that the return is not then executed by the individual(s) until the legal issues.

FOR THE PURCHASE OF HOMES:

1. ODPR will forward the requests for return back to the Ministry of Development and Reconstruction (MDR).

2. MDR will coordinate with the municipal or city Commission for Temporary Takeover and Use of Property. MDR and the municipal or city Commission will confirm that the house is vacant and unlawfully used, that conditions of security exist to allow the reinstated or new Croatian user be authorized to assign a vacated home to another individual after notification from MDR is received. If the housing has been assigned but is not occupied, the housing assignment will be annulled.

3. MDR will inform ODPR of the housing status.

4. ODPR will then issue a "CONFIRMATION ON ARRANGEMENTS FOR RETURN" to the potential returnee, with copies to the Ministry of Interior (which will forward the information to the local police station), the Working Group members, and the municipal authorities.

5. ODPR will agree with the potential returnee on the modalities/logistics of return.

6. ODPR, assisted by UNTAES and UNHCR, will organize the return. Upon return, the individual will have legal status as a "returnee".

In particular, the "CONFIRMATION ON ARRANGEMENTS FOR RETURN" will be issued within 15 calendar days of registration with ODPR, or ODPR notification of UNTAES (for returnee into the Region). The return should take place as soon as possible thereafter. Where the CONFIRMATION cannot be issued within this timeframe, the Working Group will be informed of the relevant technical issues for consideration. If there is failure to resolve these technical issues, the notification party (Government of Croatia or UNTAES) will ensure that the return is not then executed by the individual(s) until the legal issues.

HOMES DAMAGED OR DESTROYED IN WAR*

1. ODPR will forward the requests for return daily to the Ministry of Development and Reconstruction (MDR).

2. MDR will coordinate the work of the municipal or city Commissions for Temporary Takeover and Use of Property in order to determine the status of the house.

3. MDR in cooperation with the County Commission for the Assessment of War Damages will determine the degree of damage to the house (categories 1-4).

4. On the basis of the feedback on the status of the property, the potential returnee will complete a request for reconstruction at the ODPR office where they registered. ODPR will forward the request to the County Office for Reconstruction and to MDR, which will further proceed according to the Law on Reconstruction (NN 8/1/96, 34/96, and 47/96). Cases whose resolution will make possible the return of a DP to a home currently occupied by a Croatian citizen displaced from his or her home shall be treated as priority 1 under article 6 of the Law on Reconstruction. For the purposes of reconstruction and return, all cases of "returnees" also shall be treated as priority 1 under article 6 of the Law on Reconstruction.

5. After the contract on reconstruction is signed, MDR or ODPR will offer the individual temporary accommodation in the nearest location to the home of origin until full realization of the individual's right to reconstruction. Alternatively, accommodations can be arranged privately (i.e., with friends or relatives) without losing the right to reconstruction.

6. When the municipal or city Commission or ODPR secures temporary accommodations for the potential returnee, a certificate will be issued giving the potential returnee the right to reside in the temporary accommodation. A returnee in possession of such a certificate cannot be asked to leave the temporary accommodation, unless the Government of Croatia provides the returnee alternative accommodation, or his/her home is repaired. (Note: If upon receiving such a certificate the potential returnee declines the offered temporary accommodation, the potential returnee loses the right to remain in the current accommodation. However, the right to reconstruction remains.)

7. MDR or ODPR will inform the Working Group of the status of the case.

8. ODPR will then issue a "CONFIRMATION OF ARRANGEMENTS FOR RETURN," which will specify that the returnee is moving to temporary accommodations with respect to the Ministry of Interior (which will forward the information to the local police station), the Working Group members, and the municipal authorities.

9. ODPR will agree with the potential returnee on the modalities/logistics of the move.

10. ODPR, assisted by UNTAES and UNHCR, will organize the move. Upon the move to temporary accommodations, the individual will have legal status as a "returnee."

(NOTE: There may be cases where an individual who has a damaged home, by virtue of having another house or apartment in the Republic of Croatia which has not been damaged by war and which is appropriate for living (i.e., vacant and habitable), cannot claim the right of reconstruction, as per article 3 of the above-referenced Law on Reconstruction. In these cases, the appropriate mechanism for the return to or sale/exchange of that habitable home shall apply.)

[illegible] and article 3 and the Joint Working Group agrees that ODPR and other relevant Croatian authorities are in a position to unilaterally take all of the non-housing-specified actions [illegible] the Register, the following procedures will apply:

1. ODPR will verify ownership of the home in the Register and will forward the requests for return daily to UNTAES.

2. UNTAES/OSCE Task Force will determine the status of the home and inform the Working Group members.

3. UNTAES will facilitate inspection by MDR and the County Commission for the Assessment of War Damages, which will determine the degree of damage to the home (categories 1-4) and further proceed according to the Law on Reconstruction.

4. After the contract on reconstruction is signed, MDR or ODPR, assisted by UNTAES and UNHCR, will offer the individual temporary accommodation in the nearest location to the home of origin until full realization of the individual's right to reconstruction. Alternatively, accommodations can be arranged privately (i.e., with friends or relatives) without losing the right to reconstruction.

5. ODPR will issue a "CONFIRMATION OF ARRANGEMENTS FOR RETURN" to the potential returnee.

6. ODPR will agree with the potential returnee on the modalities/logistics of return.

7. ODPR, assisted by UNTAES and UNHCR, will organize the return. Upon the move, the individual will have legal status as a "returnee."

(NOTE: There may be cases where an individual who has a damaged home, by virtue of having another house or apartment in the Republic of Croatia which has not been damaged by war and which is appropriate for living (i.e., vacant and habitable), cannot claim the right of reconstruction, as per article 3 of the above-referenced Law on Reconstruction. In these cases, the appropriate mechanism for the return to or sale/exchange of that habitable home shall apply.)

These actions will take place in the shortest time possible, following registration with ODPR. When a home is occupied under these circumstances, the responsible party (Government of Croatia or UNTAES) will ensure that the home is not then occupied by an individual other than the rightful owner.

HOMES WHICH ARE TO BE USED TEMPORARILY

1. ODPR will forward the requests for return daily to the Ministry of Development and Reconstruction (MDR).

2. MDR will coordinate the work of the municipal or city Commissions for Temporary Takeover and Use of Property in order to establish that the home is occupied. The Commission will determine whether the house is occupied under the provisions of the Law on Temporary Takeover and Administration of Abandoned Property (NN 47/95), or not according with the Law.

3. MDR will inform ODPR about the status of the home.

4. MDR, in cooperation with the municipal or city Commissions, will offer one of the following solutions to the individual via ODPR or the regional suboffices:

(a) A certificate which specifies the date after which the owner will be able to take possession of his property, or

(b) A certificate which will put at the disposal of the potential returnee a corresponding (in size and quality) accommodation close to the place of permanent residence for the period until his property is available for use. The certificate will specify the date after which the corresponding accommodation will be available.

5. In cases where it is not possible to immediately terminate the occupancy of the home in the above cases, MDR or ODPR will offer the individual temporary accommodation in the nearest location to the home of origin until the date specified on the certificate. Alternatively, accommodations for the above period also can be arranged privately (i.e., with friends or relatives), without losing the right to return.

6. When the municipal or city Commission or ODPR secures (arranges) a) temporary accommodations for the potential returnee, a certificate will be issued giving the potential returnee the right to reside in the accommodation. A returnee in possession of such a certificate cannot be asked to leave the corresponding (a temporary) accommodation, unless the Government of Croatia provides the returnee alternative accommodation corresponding, or temporary, as the case applies, or his/she returns home. (Note: If upon receiving such a certificate the potential returnee declines the offered temporary or corresponding accommodation, the potential returnee loses the right to remain in the current accommodation. However, the right to return remains.)

*As defined by the Law on War Damages Assessment Commissions (article 86(1)(3)).

7. MDR or ODPR will inform the Working Group of the status of the case.

8. ODPR will then issue a "CONFIRMATION ON ARRANGEMENTS FOR RETURN" which will specify that the returnee is moving to corresponding or temporary accommodations, with copies to: the Ministry of Interior (which will forward the information to the local police station), the Working Group members, and the municipal authorities.

9. ODPR will agree with the potential returnee on the modalities/logistics of the move.

10. ODPR, assisted by UNTAES and UNHCR, will organize the move. Upon the move to the temporary or corresponding accommodations, the individual will have legal status as a "returnee".

These moves will take place in the shortest time possible, following registration with ODPR. Where a home is vacated under these mechanisms, the responsible party (Government of Croatia or UNTAES) will ensure that the home is not then occupied by an individual other than the legal owner.

GENERAL TRANSITIONAL MEASURES

1. *For all cases of Croatian citizens, registered with ODPR, who wish to return but who are not covered by the above mechanisms, temporary accommodation will be offered by the Government of Croatia. The Working Group will consider these on a case-by-case basis or develop other mechanisms as necessary, consistent with the Guiding Principles.*

2. *The Working Group welcomes the suggestion to create an Agency for Mediation in the Traffic of Real Estate and a Land Bank (database of property and owners under the auspices of the Ministry for Reconstruction and Development. The Working Group notes that the Agency and Bank can play a crucial role in resolving cases falling outside the above described mechanisms for return through the arrangements of sale, exchange, and rental of property.*

3. *The Working Group will establish mechanisms for using the Agency and Land Bank, and will determine when the individuals using these mechanisms will move from the homes they currently occupy, after the Agency is established by the Government of the Republic of Croatia.*

4. *In cases where these mechanisms for return and repossession of Croatian law are exhausted, after a decision is made by the competent administrative and judicial bodies of the Republic of Croatia, a voluntary procedure for relocating the individual to other accommodations will be undertaken by UNTAES in the Region. This procedure would not apply until such a time when the relevant Croatian authorities are in a position to undertake all of the mechanisms of return described in detail above.*

In Osijek, 23 April 1997

signing on behalf of the members of the Joint Working Group

Mr. Dragan Skrtic
Government of the Republic of Croatia

Mr. Gerard Fischer
UNTAES

Mr. Eduardo Arboleda
UNHCR

DOCUMENT S/1997/343

Letter dated 29 April 1997 from the Secretary-General to the President of the Security Council

(Original: English)
[29 April 1997]

I have the honour to refer to the elections held on 13 and 14 April 1997 in the region of Eastern Slavonia, Baranja and Western Sirmium placed under the transitional administration of the United Nations and to bring to your attention the following information, which was forwarded to me by the Transitional Administrator.

Local elections for 25 municipal councils and three city councils within the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) region were conducted simultaneously with elections throughout Croatia on 13 April. In addition to these local elections, regional elections were held for two county assemblies, and national elections were held for the Upper House of the Croatian Parliament. Owing to technical difficulties, particularly the late delivery of electoral materials, voting inside the region was extended to 14 April, and to 15 April in one polling location. Nearly 500 international observers were deployed throughout Croatia to observe the elections. Within the UNTAES region, over 150 UNTAES observers were deployed to all polling stations as static monitors. In addition, 30 observer teams from the Organization for Security and Cooperation in Europe, as well as observers from the Council of Europe and representatives of the diplomatic community visited numerous polling stations during the elections. The Transitional Administrator has informed me that no intimidation, violence or electoral improprieties were observed or reported before, during or after the elections.

The framework for the elections in the region was defined by the Joint Implementation Committee (JIC) on Elections, which met on a regular basis from early October 1996. In accordance with the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium [A/1995/951] and under the agreed framework, voter eligibility was defined to include the following four categories of persons for whom separate lists were prepared:

(a) Residents of the region who were listed in the 1991 census and who stayed in the region and collected their pre-printed Croatian documents (*domovnica* and identity card). A total of 69,138 persons in the region were registered under this category;

(b) Former residents of the region, mainly Croats, who left after the 1991 census and registered as displaced persons with the Office for Displaced Persons and Refugees. A total of 61,326 persons outside the region were registered under this category;

(c) Residents of the region who entered the region after the 1991 census, who applied for documents, filled out registration forms and chose to vote for candidates to be elected to municipal or city councils within the region. A total of 10,086 persons in the region were registered under this category;

(d) Residents of the region who entered the region after the 1991 census, applied for documents, filled out registra-

tion forms, but chose to vote *in absentia* for candidates to be elected to national, regional and local bodies in other parts of Croatia. A total of 1,692 persons in the region were registered under this category.

Persons currently living in the region voted at 193 polling stations in the region, including 30 locations for absentee voting for authorities outside the region. The displaced persons elsewhere in Croatia cast absentee ballots at 645 polling stations in 75 polling locations.

The final number of voters inside the region was over 71,000, of whom fewer than 1,000 (out of the registered 1,692 persons) voted *in absentia* for the authorities to be elected in their former places of residence. This included a significant number of residents of the region whose names did not appear on the list of voters but who were able to cast their votes owing to the special measures adopted by the Transitional Administrator on election day. These special measures, which enabled all residents of the region with Croatian identity cards to cast a vote, were assessed positively by all international observers. UNTAES and the Croatian Government will identify the total number of voters who fall into this category by verifying the number of voters recorded on the supplementary list of voters constructed on the two election days. Over 56,000 persons cast their votes *in absentia* elsewhere in Croatia for the local authorities of the region.

The 28 Local Electoral Commissions (LECs), which were appointed by the JIC on Elections on a multi-ethnic basis, were the competent bodies that conducted the elections in the region. Their main functions included receiving candidate nominations, selecting polling sites, appointing polling station committees, amalgamating polling results and announcing final results for their respective municipalities or cities. The LECs were assisted in their work by UNTAES electoral officers who had been appointed as electoral advisers. As the formal and final appointment of the LEC members was considerably delayed, most of the preparatory work was carried out by the electoral officers.

An electoral code of conduct was developed by the JIC on Elections, which laid out fundamental principles and rules to be followed by all participants in the electoral process. On the recommendation of the JIC on Elections, the Transitional Administrator promulgated the code of conduct on the occasion of the formal announcement of the elections in the region on 11 March 1997. The JIC on Elections also appointed the Electoral Appeals Commission (EAC), composed of Serb and Croat jurists and chaired by an UNTAES-appointed international judge. The Media Experts Commission (MEC) was appointed with a similar composition to monitor, *inter alia*, equitable access for all registered political parties and candidates.

As required by the code of conduct, both Commissions have presented their final reports on the conduct of the elections. EAC reported that most complaints received were either corrected by the special measures adopted by the Transitional Administrator on election day or dismissed after due consideration. MEC reported that several infractions of the code of conduct were corrected by informal intervention. Both Commissions concluded that the free and fair character of the elections was not affected by these issues. Their final reports will be considered by the JIC on Elections on 30 April.

Preliminary results of the elections prepared by the LECs were announced by UNTAES on 19 April (see annex). The elections held in the region were subsequently certified by the Transitional Administrator on 22 April 1997. Official and final results will be formally reported by the LECs to the JIC on Elections on Wednesday, 30 April. A 48-hour period for political parties to appeal the results will come into effect immediately after the final announcement. Following these procedures, and provided that the results of the elections are finalized, the Transitional Administrator will be in a position to certify the final results, in accordance with the UNTAES mandate.

The Transitional Administrator has indicated to me that the successful holding of elections in the UNTAES-administered region has been an essential step for further progress in the peaceful reintegration of the region. It marks an important milestone for the legitimate representation of the local population in the Croatian constitutional and legal system. It also opens the way for the two-way return of all displaced persons in Croatia. In this regard, rapid progress has been made in this area with the adoption by the Croatian Government, on 24 April 1997, of the Agreed Procedures on Return.

I should be grateful if you would bring the above to the attention of the members of the Security Council.

(*Signed*) Kofi A. ANNAN

ANNEX

Preliminary election results from the party list in the region administered by the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium[1]

1. HOUSE OF COUNTIES, CROATIAN PARLIAMENT[2]

HDZ	41
HSS	4
HSLS	7
SDP	4
IDS	2

NOTE: The following political party abbreviations are used in this table:

HDZ—Croatian Democratic Union

HNS—Croatian People's Party

HSLS—Croatian Social Liberal Party

HSP—Croatian Party of the Right

HSS—Croatian Peasants Party

IDS—Istrian Democratic Forum

IND—List of independent candidates

SDP—Social Democratic Party

SDSS—Independent Democratic Serb Party

[1] The figures in the table represent 75 per cent of the total seats which will be allocated according to party lists (seats allocated by proportional representation). The remaining 25 per cent of the seats will be allocated to elected candidates from individual constituencies (seats to be allocated by majority vote).

[2] Five seats to be named by the President of Croatia, of which two must be Serbs.

2. OSIJEK-BARANJA COUNTY

County Assembly		*Beli Manastir City Council*	
HDZ	25	SDSS	15
HSLS	9	HDZ	11
HSLS/SDP/HSP	3		
SDSS	6		
HSS	2		

3. VUKOVAR-SIRMIUM COUNTY

County Assembly		*Vukovar City Council*		*Ilok City Council*	
HDZ	24	HDZ	12	HDZ	20
SDSS	10	SDSS	12	SDSS	6
HSS/HSLS	4	IND	2		
IND	2				

4. MUNICIPAL COUNCILS

Osijek-Baranja County

Antunovac		*Draz*		*Knezevi Vinogradi*	
HDZ	12	HDZ	12	HDZ	7
HSP	2	SDSS	2	SDSS	4
IND	2	HSS	2	IND	5
Bilje		*Erdut*		*Petlovac*	
HDZ	10	HDZ	5	HDZ	12
SDSS	3	SDSS	11	SDSS	3
IND	3			HSS	1
Commac		*Ernestinovo*		*Popovac*	
HDZ	11	HDZ	12	HDZ	9
SDSS	4	SDSS	2	SDSS	7
HSS	1	HSS/HSLS	2		

Osijek-Baranja County (cont'd)

Darda		*Jagodnjak*		*Seskinci*	
HDZ	5	HDZ	0	SDSS	16
SDSS	10	SDSS	16		
HSS	1				
Tenja					
HDZ	3				
SDSS	12				
HSS	1				

Vukovar-Sirmium County

Bogdanovci		*Negoslavci*		*Tordinci*	
HDZ	10	SDSS	16	HDZ	13
IND	6			HSS	3
				SDSS	2
				HSP	1
				IND	1
Borovo		*Nijemci*		*Tovarnik*	
SDSS	16	HDZ	12	HDZ	11
		SDSS	3	SDSS	5
		HNS/HSS	1		
		HSLS			
Lovas		*Stari Jankovci*		*Trpinja*	
HDZ	11	HDZ	10	SDSS	16
SDSS	5	SDSS	6		
Markusica		*Mirkovci*		*Tompojevci*	
SDSS	16	HDZ	2	HDZ	11
		SDSS	14	SDSS	5

DOCUMENT S/1997/345*

Letter dated 30 April 1997 from the representatives of Azerbaijan and Georgia to the Secretary-General

[Original: English]
[9 May 1997]

We have the honour to submit herewith the text of resolution 1119 (1997) on conflicts in Transcaucasia adopted by the Parliamentary Assembly of the Council of Europe on 22 April 1997.

We should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Eldar KOULIEV
Permanent Representative of Azerbaijan to the United Nations

(*Signed*) Peter CHKHEIDZE
Permanent Representative of Georgia to the United Nations

* Circulated under the double symbol A/52/130-S/1997/345.

ANNEX

Resolution 1119 (1997) on conflicts in Transcaucasia adopted by the Parliamentary Assembly of the Council of Europe on 22 April 1997

[Original: English/French/Russian]

1. The Assembly considers that the holding of the ceasefires in force in the Transcaucasian conflicts, particularly in Abkhazia and Nagorny Karabakh since May 1994, should help to bring about political stabilization in the zones of tension.

2. Following the various hearings held by its Committee on Relations with European Non-Member Countries, it hopes that rapid, decisive progress towards a political settlement of these conflicts will be made.

3. The three Transcaucasian countries—Armenia, Azerbaijan and Georgia—all hold special guest status and have applied for full membership of the Council of Europe. The Assembly considers that a genuine political will by all the parties to settle these conflicts would help to speed up the accession procedures.

4. The Assembly appeals to all parties directly or indirectly involved in these conflicts to participate constructively in the mediation work conducted on the ground, particularly by the United Nations, the Commonwealth of Independent States (CIS) and the Organization for Security and Cooperation in Europe (OSCE).

5. Even though these two conflicts are different in nature, the Assembly stresses that their political settlement must be negotiated by all parties involved, drawing in particular on the following principles, which are based on the 1975 Helsinki Final Act and the 1990 Charter of Paris:

(i) Inviolability of borders;

(ii) Guaranteed security for all peoples in the areas concerned, particularly through multinational peacekeeping forces;

(iii) Extensive autonomy status for Abkhazia and Nagorny Karabakh to be negotiated by all the parties concerned;

(iv) Right of return of refugees and displaced persons and their reintegration while respecting their human rights.

6. The Assembly considers that, in the Transcaucasian countries, the Council of Europe should make a genuine contribution to establishing a State based on the rule of law and pluralist democracy, the protection of human rights and the creation of a social market economy.

(a) *In connection with Abkhazia*

7. The Assembly is interested to note certain signs of rapprochement of the positions of Tbilisi and Sukhumi and hopes that a negotiated political settlement will soon be reached on the basis of the above-mentioned principles.

8. It hopes that the efforts of the parties concerned and also of the United Nations, OSCE and the Russian Federation will soon lead to an institutional balance acceptable to both Tbilisi and Sukhumi, so that the refugees can return under optimum security conditions and the populations of the region can resume their peaceful and prosperous living conditions.

(b) *With regard to Nagorny Karabakh*

9. The Assembly welcomes the continued dialogue between Armenian and Azeri parliamentarians, particularly as part of the Seminar on the Conflicts in Transcaucasia organized by its Committee on Relations with European Non-Member Countries in Strasbourg, France, on 26 January 1997, and welcomes in this connection the resumption of the activities of the OSCE Minsk Group on Nagorny Karabakh, which it encourages to continue negotiations with a view to securing an early settlement of the conflict.

10. It appeals to all parties to the conflict to intensify direct negotiations with a view to achieving a political settlement to the conflict guaranteeing the restitution of occupied territories and the return of refugees and displaced persons, satisfactory alternative status as well as security for Nagorny Karabakh.

11. Finally, it expresses the wish that in the long run the three Transcaucasian countries—Armenia, Azerbaijan and Georgia—will envisage creating a community of Transcaucasian States and the setting up of a joint parliamentary assembly.

DOCUMENT S/1997/347*

Identical letters dated 1 May 1997 from the Secretary-General to the President of the General Assembly and to the President of the Security Council

[Original: English]
[2 May 1997]

I have the honour to refer to General Assembly resolution 51/195 B of 17 December 1996 on the situation in Afghanistan and to my report of 16 March 1997 [*S/1997/240*], issued pursuant to that resolution. In paragraph 24 of that report I expressed my belief that the United Nations and its Member States had to increase efforts to address the Afghan question before the situation deteriorated even further. I underlined that it was necessary for all of us to coordinate our efforts so as to increase international pressure on the Afghan parties to solve the conflict in a peaceful way. To that end, I suggested that I might convene another meeting of concerned countries, using the formula that had been adopted for the meeting held in New York on 18 November 1996.

At my request, the Under-Secretary-General for Political Affairs, Mr. Kieran Prendergast, presided over such an informal consultative meeting in New York on 16 April 1997. Representatives of China, Egypt, France, Germany, India, the Islamic Republic of Iran, Italy, Japan, Kazakstan, Kyrgyzstan, the Netherlands, Pakistan, the Russian Federation, Saudi Arabia, Sweden, Tajikistan, Turkey, Turkmenistan, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uzbekistan and the Organization of the Islamic Conference participated.

The purpose of the meeting was to reassess the situation following recent political and military developments and to discuss how best to promote a negotiated settlement of the conflict and reinforce the United Nations peacemaking efforts.

The meeting demonstrated that consensus continues to exist on the grave dangers of continued armed conflict for the region and on the central role of the United Nations in coordinating efforts to achieve a peaceful solution. The participants uniformly appreciated the efforts of Mr. Norbert Holl and of the United Nations Special Mission to Afghanistan to promote agreement on a ceasefire and negotiations between the factions. While recognizing the need for all concerned countries to be involved in the search for peace, they also stressed that such initiatives should be coordinated with the United Nations.

All participants agreed that the territorial integrity and unity of Afghanistan must be preserved. They supported the view that the only solution to the conflict remains a national accord based on recognition of the legitimate interests and rights of all the Afghan people. There was consensus that all forms of foreign interference must cease, although, as usual, there were differences on how to achieve this. The flow of arms into Afghanistan remained a preoccupation and a number of countries supported an arms embargo, referring to the action taken in that connection by the European Union; some called for the Security Council to take similar action. Others, however, expressed doubts about the practical effectiveness of such a measure and whether it could be applied in an even-handed manner.

*Circulated under the double symbol A/51/886-S/1997/347.

There continued to be widespread support for an international conference in due course to support the results of negotiations. A number of concrete proposals were put forward for an intra-Afghan dialogue under the auspices of the United Nations to be held outside Afghanistan, possibly with Member States as observers. Several participants repeated their offer to host negotiations and/or a conference. Many favoured the expansion of United Nations consultations beyond the leadership of the factions to include broadly representative Afghan communities and personalities. Some particularly supported the intensification of the contacts of Mr. Holl and the Special Mission with concerned States.

A number of delegations favoured the increased involvement of the Security Council in the issue. In the meantime, many expressed the view that the meeting mechanism which I had initiated in November 1996, of which this was the second instance, was a useful international framework which could meet more frequently, even every two months.

I should note the expressions of several of the participants on the desirability of a more spontaneous exchange of views at these meetings, as well as the interest of some in giving the deliberations a sharper focus. I am reflecting on how we might address those concerns together.

All participants voiced their distress at the continued plight of the Afghan people, with special attention drawn to women and girls. Several emphasized the connection between a political settlement, rehabilitation, reconstruction and peace-building. I look forward to exploring further how we can best harmonize and coordinate policies in the future for the maximum benefit of the Afghan people.

I should be grateful if you would have the text of the present letter circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Kofi A. Annan

DOCUMENT S/1997/348*

Letter dated 2 May 1997 from the representative of the Netherlands to the Secretary-General

(*Original: French*)
(*1 May 1997*)

I have the honour to draw your attention to the statement on the elections in Croatia issued by the European Union on 30 April 1997.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly and of the Security Council.

(*Signed*) N. H. BIEGMAN
Permanent Representative of the Netherlands to the United Nations

ANNEX

Statement by the European Union on the elections in Croatia
issued on 30 April 1997

(*Original: English*)

The European Union has noted with satisfaction that local elections were held in Croatia on 13 April and, in particular, 27 April, which were held in Eastern Slavonia, Baranja and Western Sirmium as a result of April 1997 under the auspices of the United Nations Transitional Administration for Eastern Slavonia (UNTAES). It wishes to congratulate the Croatian authorities in this regard, as well as the Transitional Administrator, Mr. Klein, and the staff of UNTAES on having overcome organizational problems to see the elections through to a successful conclusion.

The high turnout at the polls shows that the local population is keenly interested in exercising their basic democratic and mutually beneficial coexistence within Croatia. These local elections certainly form a firm basis for the peaceful reintegration of the region into Croatia. However, the European Union would point out that strict respect for human rights and for the rights of minorities throughout the country remains an essential prerequisite for the ultimate success of the reintegration process. The European Union will remain vigilant in this regard, as will the international community as a whole.

The European Union now calls on the parties to press ahead with the process of reintegration in a spirit of dialogue, openness, good faith and mutual understanding, in which endeavours they will be supported and supervised by the international community.

* Reissued for technical reasons on 8 May 1997.

DOCUMENT S/1997/351

Letter dated 5 May 1997 from the Secretary-General to the President of the Security Council

[Original: English]
15 May 1997

In its presidential statement of 11 March 1997 [S/PRST/1997/12], the Security Council asked me to keep it informed about the follow-up to the incident on 10 February 1997 in Mostar, in which one person died and others were wounded in a violent assault against a group of civilians.

Pursuant to this request, and supplementing the information provided to the Council by the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina [see S/1997/318], I have the honour to attach the executive summary and the conclusions of a report, issued on 26 March 1997, entitled "Mostar – Human rights and security situation, 1 January–15 February 1997". The report was prepared by the International Police Task Force (IPTF) and the Human Rights Coordinating Centre at the request of the principals of the major international implementing organizations. Its full text is available in the files of the Secretariat to members of the Security Council upon their request.

In relation to the Council's request to be kept informed about the follow-up to the 10 February incident, I regret to report that, since the letter by the Principal Deputy High Representative of 27 March 1997 [S/1997/256], there has been no further action by the responsible authorities to implement the demands contained in the presidential statement of 11 March 1997. However, the general situation in Mostar has improved in the past six weeks. Evictions from West Mostar have stopped and 100 police officers (50 Bosniacs and 50 Croats) are jointly patrolling the central district of the town. IPTF has also made progress in its negotiations for the establishment of the joint Federation police force in the Sorevica (Mostar) Canton.

Members of the Security Council will recall that, in its resolution 1103 (1997) of 31 March 1997, the Council acknowledged "the importance of ensuring that the IPTF is able to carry out all the tasks with which it has been entrusted, in particular those tasks set out in the conclusions of the London Conference" – of which the IPTF investigation into the Mostar incident is a prime example. In the same resolution, the Security Council decided to "consider expeditiously" the recommendations concerning those tasks contained in my report of 14 and 19 March 1997 [S/1997/224 and Add.1], which include an increase in IPTF strength by 120 personnel. I should like to take this opportunity to reiterate my recommendation and to express the hope that the Security Council will find it possible to respond positively to it.

(*Signed*) Kofi A. ANNAN

ANNEX

Mostar – Human rights and security situation
1 January–15 February 1997

Prepared by the International Police Task Force and the Human Rights Coordination Centre pursuant to the request of the principals of the major international implementing organizations on 24 February 1997

I. EXECUTIVE SUMMARY

In their meeting of 24 February 1997 the principals of the major international implementing organizations requested IPTF and the Human Rights Coordination Centre of the Office of the High Representative to submit a report, for consideration by the Federation partners, detailing the incidents preceding and following the violence of 10 February 1997, in the letter of 25 February 1997 the Principal Deputy High Representative stated that the Federation partners "must commit themselves to draw all necessary conclusions (from this report) – including personal consequences for any officials and police officers who have failed to perform their duties". The decision to produce this report followed the finding in the earlier IPTF investigative report dated 24 February 1997, which stated that politics and civil authorities on both sides of the city failed to respond effectively to security and human rights incidents that occurred in connection with and following the 10 February 1997 violence. The period of review was from 1 January to 15 February 1997. The nearly 200 incidents which occurred during that period are the subject of this report.

From 1 January to 10 February 1997, there were a substantial number of acts of violence, including assaults and explosions, in the city. There were also violations of human rights and freedom of movement, contributing to a growing environment of lawlessness throughout the city. Residents of both east and west Mostar, as well as travellers to and from the city, were subjected to criminal attacks, some of which appeared to involve organized criminal elements operating in the city. In the 29 recorded cases of theft, threats and assaults, both Bosniacs and Croats were victims in about equal portion. In addition, over the 41 days of this period, there were more than 40 explosions and firing incidents, and 6 illegal checkpoints. In a number of these incidents, local police were implicated either directly or through failure to act. There were four arrests from 1 January to 15 February of those who committed these acts of violence.

These events followed a pattern of incidents that had been occurring since the previous year. While there has been an ebb and flow of violence from week to week, with some peak periods and some periods of lower activity, the general environment in Mostar has been one of unchecked violence, with little prospect of political actors being called to account, a sense of normalcy, peace and security. The incidents on 10 February 1997 were significant, not the biggest culmination of a steadily increasing level of violence, but unusual, was a particularly egregious consequence of the environment which has been permitted to flourish in Mostar.

The 10 February big shots became those IPTF officers who were the objects of threats which were delivered in many forms. On three occasions, IPTF officers were stopped, threatened, robbed, or assaulted, including on the M-17 highway. In nearly half of these cases, east Mostar police were reported to have been either directly responsible for the violence or to have failed to respond appropriately to actions by Bosniac civilians. Beginning this same afternoon and continuing into the evening, 11 Bosniac families were forcibly evicted from their homes in west Mostar, and a number of other subsequent similar evictions were reported. These evictions occurred in a pre-selected geographic area and appeared to be the work of well-organized criminal groups. In these cases, civilians reported that the perpetrators identified themselves as police or special police.

There have been six arrests relating to one of the incidents on the 10th, including two off-duty police officers, but no prosecutions to date in any of the 29 cases. While those who were illegally evicted were quickly registered in their dwellings, there have been no arrests of those responsible for the seizure of residences which occurred in the night of 10 February. Although there is evidence of police involvement in the organization and execution of the criminal acts of violence and evictions which followed the 10 February incident, no substantive investigation or action has been taken to identify the police responsible, and to hold them accountable for their actions.

Indeed, the police have consistently failed to investigate serious crimes, including persons of a different ethnicity or nationality or police suspected of their own ethnicity. It is clear that the police leadership, at both east and

west Mostar, has failed to provide adequate protection to persons living and travelling in the city. The police have often appeared to be simply instruments of the political establishment, enforcing restrictions on freedom of movement while permitting those who commit acts of violence to remain free from prosecution. When Mostar police have intervened to address criminal behaviour, their actions have usually been limited at best to returning the situation to the status quo ante rather than arresting those responsible for inter-ethnic violence. The ability of the police to perform their basic duties, including investigation of crimes, is also severely hampered by the fact that the east and west Mostar police do not even share rudimentary information regarding criminal offences, much less cooperate in responding to them. The police failures have been so substantial that there has been virtually no professional police protection for a population of east and west Mostar that has come to live in fear of violence and harassment.

The failures in Mostar involve political authorities as well as police. The absence of functioning local institutions is a crucial factor. Instead of initiatives to address Mostar's problems, the political leadership relies on a continuous flow of invective directing blame at "the other side". The actions of political leadership have had a direct impact on tensions in the city and the atmosphere of divisiveness between the parties. The death of an elderly woman after she was evicted from her flat, the start of construction on the Croat national theatre, the televised burning of a Croat flag, the placing of "sleeping policemen" on the Bulevar by east Mostar police, and the continued threat, eventually acted upon, to remove local police officers from the Unified Police Force of Mostar, have added to tension in a city where violence has become the norm. Irresponsible and inaccurate reporting by the local media, often inflammatory and with a strong ethnic bias, has contributed to the instability of the Mostar environment. The political leaders of Mostar have capitalized on these shortcomings, using the media to further their own agendas.

This summary of the incidents during the period from 1 January to 15 February 1997 shows a city gripped by ethnic tension and outbreaks of violence, unchecked by responsible police or political action. It cannot be permitted to continue. Police must accept their responsibility to protect all citizens, regardless of their ethnicity. Those who commit criminal acts must be arrested and prosecuted to the fullest extent of the law. As a first step, the integrated cantonal police force must be established as agreed by with all urgency, and full participation in the United Police Force of Mostar is required until that force is operational. At the same time, the political leadership must commit itself to building a stable environment, in which there is freedom of movement, freedom from harassment, and strong, effective, integrated institutions. The establishment of functioning local institutions is a crucial step to ensuring that problems are addressed when they occur, before they escalate or invoke retaliation. Working together, the political authorities and police of Mostar will be able to ensure that the security concerns of all citizens are properly addressed.

II. Conclusions

This review of events preceding and following the 10 February incident portrays a city troubled by intra-ethnic violence, and a political and police leadership not unable, but unwilling to intervene. From 1 January to 10 February, there were substantial abuses of freedom of movement on routes within and through the city, the security climate was tense due to a concentrated series of shooting incidents and explosions, and frictions had been exacerbated by several well-publicized events (including the death of an elderly woman following an eviction, the start of construction on the National Theatre, televised burning of a Croat flag, and the construction of sleeping policeman on the Bulevar). The events of 10 February, however, stand out starkly in their intensity and consequences from prior incidents. Tensions were certainly high immediately prior to 10 February 1997, but Mostar has experienced similar periods of heightened security concerns that have subsided without culminating in such violence.

In the period prior to 10 February 1997, the political and police authorities in Mostar did not take any notable steps to defuse growing tensions — just the opposite. The leadership on both sides of the city instead engaged in its familiar pattern of name-calling and destructive tit-for-tat measures. Both sides attempted to exploit security incidents to their advantage, rather than addressing their causes and consequences in a collaborative, constructive manner. For example, west and east Mostar authorities exacerbated the fears generated by shooting incidents and explosions. Rather than investigating and prosecuting those responsible for forced evictions or dealing responsibly with attacks on the M-17 between Capljina and Mostar, the west Mostar media and leadership painted a picture of the Croat community under attack. Threats and injuries faced by Bosniacs were ignored. East Mostar authorities, rather than effectively addressing concerns over stonings and explosions near the Bulevar, aggravated the problem by erecting "sleeping policemen".

In this context, the actions of the Mostar authorities with regard to the cemetery visit on 10 February also raise questions. The IPTF report conclusively finds that the west Mostar authorities were formally notified concerning the planned visit. Nevertheless, under the tense circumstances which then existed in Mostar, the east Mostar leadership could have handled the visit more responsibly, including by informing the appropriate political authorities, as well as making technical notifications. For example, Deputy Mayor Orucevic did not notify the Office of the High Representative (South) despite opportunities to do so on or before the planned cemetery visit, although Orucevic has since acknowledged that the event might be difficult given the existing political climate. Of course, this omission in no way excuses the criminal response to the visit by certain west Mostar police documented in the 24 February IPTF investigation report, or the current failure of the authorities to investigate, brought to trial before an independent and impartial court and prosecuted to the full extent of the law.

Events in Mostar from 1 January to 15 February 1997 amply demonstrate a failure by both the political authorities and police to act responsibly and effectively in providing security for all citizens. At the heart of the issue is the failure of the local authorities and the police to work together and to build common structures and institutions to ensure the well-being and security of all Mostar citizens. For the abuses identified in the report to be addressed, functioning police and political institutions must be established in Mostar.

The ability of the Mostar police to fulfil the most fundamental policing responsibilities is severely hampered by the failure of the east and west Mostar police to cooperate with each other. The fact that it was only the efforts of the team preparing the report which led to the east and west Mostar police exchanging their reports of incidents which occurred to Bosniacs and Croats respectively is indicative of the problem. Police on both sides, with the leadership and full support of political authorities, must work together on the ground by sharing information and liaising to anticipate and deal with future incidents. They must investigate and act on the criminal incidents prior to, on and after the 10 February incident. In particular, the series of attacks on the M-17 and the wave of illegal evictions in west Mostar which occurred immediately following the 10 February incident must be thoroughly investigated by the east and west Mostar police. In the course of these investigations, particular attention must be paid to the role of the police, including an in-depth look, followed by timely and appropriate response, concerning all allegations of police involvement in criminal acts, or failure to respond adequately to crimes committed by others. Police leadership must be made professional, and police officers responsible for wrongful acts removed.

Finally, police on both sides of the city, with conscientious and sustained support and oversight by political authorities and the media, must now carry out in full the instructions of the Federation government with respect to restructuring and reconfiguration as a single cantonal force with all urgency. In the interim, full participation in the United Police Force of Mostar is required.

But it is not only the police force which must be integrated in order to address the abuses described in the report. The events in Mostar from 1 January to 15 February 1997 amply demonstrate that the failure of the political authorities of Mostar to be both responsible and effective threatens the security of all Mostar's citizens. Functioning local institutions must be established which will effectively address incidents when they occur, rather than allowing problems to fester until "payback time". The leaders of Mostar must communicate directly with each other, and appear together in the local media, rather than addressing their international interlocutors and using the media only as a means to further their own political objectives. Only through the proper functioning of Mostar's government, including the interior ministry and police, will all citizens of the city be properly protected and served.

DOCUMENT S/1997/358

Report of the Secretary-General on the situation concerning Western Sahara

[Original: English]
[5 May 1997]

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1084 (1996) of 27 November 1996, in which the Council requested me to continue my efforts to break the impasse blocking the implementation of the settlement plan. The Council also requested me to propose alternative steps, in the framework of the plan, should there be no meaningful progress towards removing the obstacles to its implementation and to submit to the Council, by 9 May 1997, a comprehensive report on all significant developments, including their humanitarian aspects.

2. The present report covers developments since my interim report of 27 February 1997 [*S/1997/166*], including the initial contacts undertaken by my Personal Envoy for Western Sahara and other aspects relevant to the settlement plan.

II. MISSION OF THE PERSONAL ENVOY OF THE SECRETARY-GENERAL

3. In an effort to encourage the parties, the Government of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y del Rio de Oro (Frente POLISARIO), to overcome the persisting stalemate, I appointed Mr. James A. Baker III, former Secretary of State of the United States of America, as my Personal Envoy for Western Sahara. I requested Mr. Baker to assess the implementability of the plan, to examine ways of improving the chances of resuming its implementation in the near future and, if there were none, to advise me on other possible ways of moving the peace process forward.

4. In preparation for Mr. Baker's visit to the region, my Acting Special Representative, Mr. Erik Jensen, held consultations in Rabat and Tindouf, to discuss with the parties various matters relevant to my Personal Envoy's mission.

5. Following consultations with me and preliminary discussions with the representatives of the two parties and the neighbouring countries, Algeria and Mauritania, in New York on 2 April, my Personal Envoy undertook an exploratory mission to the region from 23 to 28 April. On arrival in Rabat on 23 April, Mr. Baker and his delegation were joined by Mr. Jensen. Mr. Chester A. Crocker, former United States Assistant Secretary of State for African Affairs, also participated in the mission.

6. In Rabat, Mr. Baker was received by H.M. King Hassan II, and met with Crown Prince Sidi Mohamed, Prince Moulay Rachid, the Prime Minister and Minister for Foreign Affairs and Cooperation, Mr. Abdellatif Filali, the Minister of the Interior, Mr. Driss Basri, Advisors to the King, Mr. Driss Slaoui and Mr. André Azoulay, the Permanent Representative of Morocco to the United Nations, Mr. Ahmed Snoussi, and other senior government officials.

7. In Algiers, where he arrived on 25 April, Mr. Baker was received by the President of Algeria, Mr. Liamine Zeroual, and met with the Prime Minister, Mr. Ahmed Ouyahia, the Minister for Foreign Affairs, Mr. Ahmed Attaf, the Permanent Representative of Algeria to the United Nations, Mr. Abdallah Baali, and other senior government officials.

8. In Nouakchott, on 26 April, my Personal Envoy was received by the President of the Islamic Republic of Mauritania, Mr. Maaouya Ould Sid' Ahmed Taya, and met with Prime Minister Sheikh El-Avia Ould Mohamed Khouna, the Minister for Foreign Affairs, Mr. Sidi Ould Khliva, and the Permanent Representative of Mauritania to the United Nations, Mr. Ahmed Ould Sid' Ahmed.

9. In the Tindouf area, on 27 April, my Personal Envoy met with the Secretary-General of the Frente POLISARIO, Mr. Mohamed Abdelaziz, as well as with Mr. Bachir Mustafa Sayed, who was until recently the Frente POLISARIO Coordinator with the United Nations Mission for the Referendum in Western Sahara (MINURSO), the newly appointed Coordinator, Mr. M'hamed Khaddad, the Frente POLISARIO Representative in New York, Mr. Ahmed Bukhari, the Frente POLISARIO Representative in Washington, Mr. Moulud Said, and Saharan tribal leaders (sheikhs).

10. In Tindouf, my Personal Envoy also met with observers of the Organization of African Unity (OAU) to MINURSO. In this connection, I wish to express my appreciation to OAU for its continuing support of my efforts.

11. Following these initial contacts, it is Mr. Baker's intention to hold another round of consultations for more in-depth discussions relevant to the assessment that I have asked him to undertake.

12. I take this opportunity to express my appreciation to the Government of Spain, whose decision to make an aircraft available to my Personal Envoy greatly facilitated his visit to the region.

III. MILITARY AND CIVILIAN POLICE ASPECTS

Military component

13. During the reporting period, the military component of MINURSO, led by Major-General Jorge Bartoso de Moura (Portugal), continued to monitor and verify the ceasefire through daily ground patrols and helicopter reconnaissance. Its strength currently stands at 228 (see annex).

14. Cooperation with both the Royal Moroccan Army (RMA) and the Frente POLISARIO has been generally good. No violations of the ceasefire were reported during the period under review. However, there were instances where RMA failed to comply with certain technical requirements of the ceasefire rules, particularly with regard to the timely submission of requests for carrying out activities that are monitored by MINURSO. As RMA and the Frente POLISARIO continued to conduct live-fire exercises in almost all regions, the Force Commander requested both sides to refrain from undertaking such exercises with heavy weapons during May and June 1997, in order to avoid any potential rise in tension towards the end of the Mission's current mandate.

15. Once my Personal Envoy has completed his assessment of the situation, I shall review the strength of the mili-

tary component of MINURSO and make recommendations on any further reductions that may be carried out without affecting the operational capability of the Mission to monitor and verify the ceasefire.

Civilian police component

16. In my interim report [*ibid.*], I indicated that, in order to reduce costs further, it was my intention not to replace the personnel of the civilian police component of MINURSO at the end of their assignments, or earlier if agreed by their Governments. Consequently, the Acting Police Commissioner, Lieutenant-Colonel Jan H. Kleven (Norway), and three officers will be leaving at the end of their tour of duty on 31 May. The remaining five officers are expected to leave as soon as the necessary consultations with the Governments concerned have been completed.

IV. OTHER ASPECTS OF THE SETTLEMENT PLAN

Release of prisoners of war

17. During my Personal Envoy's consultations in the Tindouf area, the Frente POLISARIO presented him with a list of 85 prisoners of war whom it proposed to release. This list was communicated to the Government of Morocco and the International Committee of the Red Cross (ICRC).

Repatriation of refugees

18. The Office of the United Nations High Commissioner for Refugees (UNHCR) is continuing its preparatory work for the repatriation of refugees, with the assistance of its Field Office in Tindouf. An international UNHCR staff member has also been appointed to Tindouf effective 15 February 1997. The priorities of this office, during the first six months, are to monitor the delivery of assistance and the welfare of refugees.

V. FINANCIAL ASPECTS

19. Currently, an amount of $2,658,500 gross has been made available for the maintenance of the Mission for the month of June 1997 under the terms of General Assembly resolution 51/2 of 17 October 1996, subject to the extension of the mandate. My proposed budget for the maintenance of the Mission for the period from 1 July 1997 to 30 June 1998 has been submitted to the General Assembly for consideration at the second part of its resumed fifty-first session. It is estimated that the monthly cost of maintaining MINURSO at its current strength will amount to $2,425,650 gross beginning 1 July 1997. Therefore, should the Council decide to extend the mandate of the Mission, as recommended in paragraph 22 below, the cost of maintaining MINURSO would be within the monthly rate indicated above.

20. As at 30 April 1997, unpaid assessed contributions to the MINURSO special account for the period since the inception of the Mission to 30 November 1996 amounted to $40.9 million. The total outstanding assessed contributions for all peacekeeping operations as at 30 April 1997 was $1,644.5 million.

VI. OBSERVATIONS AND RECOMMENDATIONS

21. As I informed the Security Council in my letter to its President dated 17 March 1997 [S/1997/236], I have decided to intensify the examination of all the questions blocking the implementation of the settlement plan. Accordingly, I appointed Mr. James A. Baker III as my Personal Envoy to help me assess the situation and make appropriate recommendations to the Security Council. I wish to thank him for having accepted this task.

22. During his exploratory consultations with the parties and the two neighbouring countries, my Personal Envoy stressed that he had come to make a fresh assessment of the situation and to discuss with all concerned ways of breaking the current stalemate. Mr. Baker will return to the region in June, after which he will report to me on his findings and recommendations. I hope to be in a position thereafter to submit to the Security Council a comprehensive report on all aspects of the Western Sahara issue. In the meantime, I recommend that the mandate of MINURSO be extended for four months, until 30 September 1997.

23. Six years have elapsed since the establishment of MINURSO with the aim of holding a referendum of self-determination in Western Sahara. The international community has made it clear that it cannot continue to support the extension of MINURSO's mandate indefinitely and that the parties must demonstrate in a clear and tangible manner the political will necessary to take decisions that would bring about a fair and lasting solution to the problem of Western Sahara. I urge the parties to cooperate fully with my Personal Envoy, so as to achieve this goal and strengthen the prospects for peace and stability in the region.

MAP

[*See end of present volume.*]

ANNEX

Composition of the military component of the United Nations Mission for the referendum in Western Sahara

	Strength as at 1 May 1997		
	Military observers	Support staff	Total
Argentina	2		2
Austria	6		6
Bangladesh	8		8
China	10		10
Egypt	15		15
El Salvador	2		2
France	25		25
Ghana	9	1	10
Greece	1		1
Guinea	1		1
Honduras	12		12
Ireland	8		8
Italy	1		1
Kenya	8		8
Malaysia	11		11
Nigeria	6		6
Pakistan	8		8
Poland	8		8
Portugal	8		8
Republic of Korea	9	1[a]	10
Russian Federation	24		24
Tunisia	4		4
Uruguay	13		13
United States of America	15		15
Venezuela	8		8
TOTAL	203	2	205

[a] Force orderly room.

[b] Medical personnel.

Report of the Secretary-General on the United Nations Preventive Deployment Force

DOCUMENT S/1997/365

[*Original: English*]
[*12 May 1997*]

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1082 (1996) of 27 November 1996. By that resolution the Council decided to extend the mandate of the United Nations Preventive Deployment Force (UNPREDEP) until 31 May 1997 "with a reduction of its military component by 300 all ranks by 30 April 1997 with a view to concluding the mandate as and when circumstances permit". In the same resolution the Council requested the Secretary-General to report to it by 15 April 1997 with his recommendations on a subsequent international presence in the former Yugoslav Republic of Macedonia. The Council subsequently decided, in its resolution 1105 (1997) of 9 April 1997, to suspend the reduction of the military component until the end of the current mandate on 31 May and requested me to submit to the Council by 15 May the report referred to in resolution 1082 (1996).

II. COMPOSITION, STRENGTH AND MANDATE OF UNPREDEP

2. Since my predecessor's last report to the Security Council on 19 November 1996 [*S/1996/961*], the composition, strength and mandate of UNPREDEP have remained unchanged. The mission continues to be headed by my Special Representative, Mr. Henryk Sokalski (Poland). The Force's military component consists of two mechanized infantry battalions, a Nordic composite battalion and a United States Army task force, each with a strength of 500 personnel. The two battalions are supported by a 50-man engineering platoon from Indonesia. UNPREDEP also has 35 military observers and 26 civilian police monitors drawn from 27 countries (see annex). The military component of the mission is headed by the Force Commander, Brigadier-General Bo Wranker (Sweden).

3. The present composition of the Force represents a blend of professional skills which allow for the highest levels of readiness and proficiency. It also provides for a limited reserve capacity to meet a wide range of contingencies in adverse terrain and climatic conditions. The Indonesian engineering platoon provides indispensable support to the two battalions through the construction of roads and repair of the main supply routes to the observation posts.

4. In addition to the community and border patrols carried out by the civilian police and the military observers, UNPREDEP military personnel conducted more than 190 patrols a week during the reporting period. On average, UNPREDEP observes approximately 90 patrols per week by the armed forces of Albania, the Federal Republic of Yugoslavia and the host country. However, during the month of March 1997, the number of those patrols increased to more than 160 per week. Furthermore, UNPREDEP reports that military units of the Federal Republic of Yugoslavia and those of the host country now actively patrol their territory up to the old administrative border of the former Socialist Federal Republic of Yugoslavia. It is the view of UNPREDEP that those patrols are closely linked to the process of demarcating the border between the two countries. The new pattern of patrolling has increased the frequency of encounters with UNPREDEP patrols operating in those areas and has been a source of concern to the Force Commander. Following consultations, both sides have reaffirmed their intention to respect the understanding on the United Nations patrol line, which was negotiated to facilitate UNPREDEP patrolling based on visible and manageable key terrain features rather than on the old administrative border.

5. Under Security Council resolution 1082 (1996), the strength of the UNPREDEP military component was to have been reduced to 750 personnel by 30 April 1997. The reduced component would have continued to comprise a Nordic composite battalion and a United States Army task force, each with a strength of 350 personnel. The number of observation posts would have been reduced from 21 to 12. Formed infantry units would have remained on the northern border, while the western border would have been monitored by military observers. Support to the two battalions would have continued to be provided by the Indonesian engineering platoon.

6. As the members of the Security Council are aware, the escalation of the crisis in neighbouring Albania earlier this year prompted the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia to write to me on 7 March 1997 [*see S/1997/205, annex*] to request an urgent suspension of the proposed reduction of the strength of the military component. As I informed the Council on 3 April 1997 [*see S/1997/276*], my Special Representative and the Force Commander had themselves conveyed to me their concern about the timing of the reduction of the Force and, with my agreement, had temporarily suspended the reduction of the military component. The Council, having considered my letter and my related recommendation, decided in its resolution 1105 (1997) of 9 April 1997 to suspend the reduction until the end of the current mandate on 31 May. The Council also welcomed the redeployment of UNPREDEP in the light of the situation in Albania and encouraged me to continue further redeployment, taking into consideration the situation in the region, consistent with the mandate of UNPREDEP. Appropriate measures have been taken on the ground to comply.

7. The establishment of UNPREDEP as an independent mission in 1996 has considerably upgraded its capacity for political action under the terms of paragraph 12 of Security Council resolution 908 (1994) of 31 March 1994. The civilian component of the mission has utilized the good offices mandate vested in my Special Representative to bring together the various communities in an effort to promote mutual understanding, help strengthen respect for human rights and ease political and inter-ethnic tensions within the country. The civilian component of the mission has also been active in initiating contacts among various segments of the population.

in order to address a number of underlying socio-economic problems which, if neglected or overlooked, have the potential to exacerbate political tensions. This activity has been of special importance given the precarious social and economic situation in the country. Humanitarian assistance to the local population, especially on the part of the national battalions, has also been an important element of the actions of UNPREDEP.

III. ACTIVITIES OF OTHER UNITED NATIONS ORGANIZATIONS, AGENCIES AND PROGRAMMES

8. United Nations organizations, agencies and programmes are making a modest but important contribution to the country as regards institutional capacity-building and the strengthening of governmental infrastructure and mechanisms. At the initiative of UNPREDEP, several agencies have also provided assistance in areas crucial to the country's development. These include the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations International Drug Control Programme (UNDCP), the United Nations Crime Prevention and Criminal Justice Division and the United Nations Interregional Crime and Justice Research Institute.

International Monetary Fund

9. As previously reported (see S/1996/981, para. 17), the International Monetary Fund (IMF) has successfully completed two financial arrangements with the Government: a systemic transformation facility and a standby arrangement, totalling disbursements of US$ 75 million. IMF and the Government have concluded negotiations for an Enhanced Structural Adjustment Facility agreement which would provide an additional $80 million over a three-year period at concessional interest rates. IMF has also supported numerous technical assistance programmes, including two long-term projects, one with the Department of Banking Supervision of the National Bank and the other a modernization project with the customs administration.

United Nations Children's Fund

10. The United Nations Children's Fund (UNICEF) manages a country programme in support of children in the Republic, which has an annual budget of approximately $1.6 million and an unfunded element of $1 million. Its activities focus on the health, education and social welfare sectors and on how they address the transition process. UNICEF is one of the main external partners in the social sector, coordinating its activities with those of the World Health Organization (WHO), UNESCO, the World Bank, UNDCP and a range of national and international non-governmental organizations as well as bilateral donors. More recently, the office has been actively planning cross-border assistance to Albania.

United Nations Conference on Trade and Development

11. Two international consultants continue to assist in the introduction of the United Nations-designed Automated System for Customs Data (ASYCUDA) computer system at the cargo division of the local customs administration. The project is aimed at facilitating trade, improving customs efficiency and providing accurate statistical information on imports and exports. It will be extended to all 21 export offices by May 1997 and will be installed at import locations before the end of the year.

United Nations Development Programme

12. The Executive Board of the United Nations Development Programme (UNDP) granted recipient status to the former Yugoslav Republic of Macedonia in mid-1993. That led to the implementation of a technical cooperation programme that began in early 1995. The first operational project, jointly supported by UNDP and bilateral donors, was aimed at improving cross-border facilities and traffic infrastructure on the Albanian and Bulgarian borders. The current programme provides support for the preparation of a cross-sectoral national development strategy, as well as assistance in building national capacities for investment promotion, standardization, metrology and quality control. A country cooperation framework outlining the strategy and focus for the Programme's assistance in the coming three years is currently in preparation.

Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights

13. The Office of the United Nations High Commissioner for Human Rights and the Centre for Human Rights facilitate technical cooperation and serve as a contact point and a source of information for government activities relating to human rights.

Office of the United Nations High Commissioner for Refugees

14. In addition to its programme of basic assistance to Bosnian refugees, the Office of the United Nations High Commissioner for Refugees (UNHCR) continues to be involved in the repatriation of Bosnian refugees to their home country. In collaboration with other agencies, and as an early warning measure, UNHCR has been monitoring developments on the border with Albania.

World Bank

15. Three projects of the World Bank are currently in operation: a $30.9 million health sector investment project, $11 million private sector development project and a $7.9 million private farmer support project.

16. The World Bank has negotiated a structural adjustment loan and credit of $45 million to support further liberalization of the trade regime, to help reduce price interventions and to assist in the privatization of the socially owned enterprises in agriculture, as well as industrial and commercial enterprises. Together with the European Commission, the World Bank co-chaired the first joint Group of 24/Consultative Group Donors Conference in Brussels to support the country's external financing gap in 1997. Credits and disbursements of $63 million have been pledged to the economic stabilization and structural reform programme.

World Health Organization

17. The priority areas for cooperation under the 1996-1997 cooperative agreement between WHO and the Ministry of Health include health policy development, health-care reform, prevention and control of communicable and non-communicable diseases, environmental health and mother and child health care.

18. A pioneer training project on mental health aspects of psychosocial trauma has also been launched. A new Mental Health Commission has been established, which will propose comprehensive legislation and reforms on mental health. Two other WHO programmes focus on health promotion for schoolchildren and on a national drug information centre.

IV. RECENT DEVELOPMENTS

19. Since my predecessor last reported to the Security Council, there have been few positive developments in the region. In most of the countries neighbouring the former Yugoslav Republic of Macedonia, public unrest and tension have been evident. Social unrest has occurred in Bulgaria and the Federal Republic of Yugoslavia. State institutions have collapsed and social structures have disintegrated in Albania. The situation in Kosovo remains tense and has been a source of continued concern to the Government of the former Yugoslav Republic of Macedonia, which remains apprehensive that developments in that region might directly affect the country. In Bosnia and Herzegovina, difficulties have been encountered in the implementation of the civilian aspects of the Dayton peace agreement.

20. In its resolution 1082 (1996), the Security Council reiterated its call on the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia to implement in full their Agreement of 8 April 1996 (*see S/1996/291, annex*), particularly regarding the demarcation of their mutual border. While the two Governments have made significant and welcome progress in developing their mutual relations in many areas, no final agreement has been reached on the border demarcation. Both sides have, however, shown a willingness to resolve this issue and have indicated that an agreement could be reached in the very near future.

21. While relations with Greece have further improved, the dispute on the name-related issue remains. My Special Envoy, Mr. Cyrus Vance, continues to pursue actively the search for a mutually acceptable settlement of that issue.

22. Domestically, developments have been uneven. On the one hand, the latest local elections, in which all political parties participated, have strengthened the pluralistic composition of the political scene and the exercise of grass-roots democracy. During the reporting period, the Parliament has established the high office of the Ombudsman and adopted a law on instruction in the languages of the ethnic communities at the pedagogical faculties. It has also passed a declaration on promoting inter-ethnic relations. The rector of "Tetovo University" has been released before the expiration of his prison term. Mounting social discontent in the wake of the collapse of a large private savings bank and allegations that some public figures were involved in the scheme responsible for the collapse has been dampened by the Government's assurances that the matter would be investigated thoroughly. All these developments demonstrate that the democratic process is making headway in the former Yugoslav Republic of Macedonia.

23. At the same time, however, a number of worrisome developments have been observed during the reporting period. The passage of the law on instruction in the languages of the ethnic communities sparked daily protests, followed by a hunger strike, by ethnic Macedonian students. The slogans displayed by the demonstrators and the opposition to any instruction in languages other than Macedonian by some segments of the academic community reflected a degree of intolerance and xenophobia. The law was also criticized as insufficient by the ethnic Albanian political parties, which continued to call for a comprehensive law on higher education that would also legalize "Tetovo University". Simultaneously, radical demands have resumed in some ethnic Albanian communities to establish ethnically based federalism in the Republic. International concern about such developments was expressed in the statement issued by the Presidency of the European Union on 11 March 1997[7] and in the conclusions of the Chairman of the Permanent Council of the Organization for Security and Cooperation in Europe, issued on 13 March 1997. Those developments have tested the country's fragile communal mosaic and have underscored the fact that, unless they are tackled in earnest by all concerned, inter-ethnic relations may ultimately prove to be a significant destabilizing factor in the former Yugoslav Republic of Macedonia.

24. In a letter addressed to me on 1 April 1997 [*S/1997/267*], the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia stated that it was his country's view that the current situation in the region, combined with previously unresolved problems, had underscored the need to extend the existing mandate of UNPREDEP for an additional six months. He further stated that the events in Albania had contributed to the continued vulnerable security situation in the region and could have a spillover effect on neighbouring countries. In the light of the increasing number of cases of various armed gangs trespassing into the territory of the Republic, the Minister expressed the view that the presence of an objective foreign entity such as UNPREDEP would be of great importance in verifying or clarifying problems that could arise from such incursions. Additional arguments put forward for extending the mandate of UNPREDEP included, *inter alia*, the fragile and complex situation in Bosnia and Herzegovina, the political unrest in the Federal Republic of Yugoslavia following the elections in that country, the situation in Kosovo, the continued lack of defensive capacity of the army of the former Yugoslav Republic of Macedonia and the pending demarcation of the border with the Federal Republic of Yugoslavia.

25. In meetings with United Nations officials, all levels of the host country's Government have stressed that the monitoring and reporting mandates of UNPREDEP have provided an essential tool for an objective assessment by the international community of the situation in the region. It is the Government's position that the presence of UNPREDEP on the borders of the Republic not only has prevented a radicalization of the crises in neighbouring areas, notably

in Kosovo, but also has effectively stopped active hostilities from spilling over into the country. UNPREDEP confirms that the recent uncontrolled looting of installations on the Albanian side of the border with the Republic did not spread to communities or border posts in the immediate border area. UNPREDEP also confirms that the relocating of its activities along the western border and its reinforced and highly visible community patrols in minority villages along the border during the height of the Albanian crisis had a calming effect on the population in those areas. It is the mission's view that its rapid and flexible response increased the confidence of the local population in the ability of the Republic to withstand the potential threat to its stability.

V. Observer centres

29. As pointed out in my letter of 1 April 1997 to the President of the Security Council (S/1997/270), recent developments in Albania have demonstrated that stability in the Balkan region remains extremely fragile. Uncertainty still prevails in that country, in part because of the lack of a constructive dialogue among the parties. There have been doubts about the possibility of holding free and fair elections to have led to the absence of a legitimate elected and representative [illegible] of progress in re-establishing collapsed public institutions, efforts to revive the shattered economy in Albania will be severely undermined. So too will the relative stability established by the multinational protection force. In addition, the lack of a permanent and stable change in the situation in Albania could lead to another explosion of external violence which could have a negative impact on neighbouring countries. In this regard, the large number of weapons circulating in the region, some of which have already been introduced in the recent crisis by the authorities of the former Yugoslav Republic of Macedonia, pose a risk to stability in the region that cannot be overstated. Yet another potentially destabilizing factor in the coming months will be the outcome of the elections scheduled to be held in Bosnia and Herzegovina in September of this year.

30. In the light of the foregoing, I have considered it my duty to recommend to the Security Council that UNPREDEP preserve the continuation of the conditions that led to the formation of the deployment of the military component and the challenges it is faced in the region in the near future. I am of the view that it would be imprudent at no time from the UNPREDEP mission be terminated. I believe it would be equally inadvisable to recommend any substantial changes in the mandate or size of the Force at this time. I therefore recommend that the mandate of UNPREDEP be renewed for an additional six months until 30 November 1997. I further recommend that the present strength of the Force be maintained for a period of four months, up to 30 September 1997, with a view to starting on 01 October 1997, taking into account the conditions prevailing at that time, a phased gradual reduction of the military component of the Force of [illegible] authorized by the Council in its resolution 1082 (1996).

31. I have in my statement to the Special Representative and the Force Commander to evaluate the effectiveness and composition of each component of the UNPREDEP deployment to provide me on a timely manner with their recommendations on measures that will ensure that the mission implements all of its mandates in a cost-effective and coherent fashion, including the possibility of improving the structure of the military element of the Force. I have also requested a reassessment of the present deployment of these elements in order to ensure a higher state of operational efficiency and increased flexibility to respond to changing circumstances on the ground, in accordance with paragraph 3 of resolution 1095 (1997). I have furthermore authorized UNPREDEP to examine the feasibility of co-operating the mission in order to enhance the role of its civilian police component, manpower and military elements in the implementation of the mandate.

32. In conclusion, I should like to express my appreciation to Mr. Sadruddin Aga Khan, Special Representative of the Secretary-General and Head of the United Nations Preventive Deployment Force (UNPREDEP), and to the military and civilian personnel under their command, for their dedication and professionalism in carrying out the tasks entrusted to them by the Security Council.

Annex

Composition and strength of the military and civilian police elements of UNPREDEP as at 9 May 1997

Argentina	
Bangladesh	
Brazil	
Canada	
Czech Republic	
Denmark	
Finland	
France	
Ghana	
Ireland	
Nepal	
Nordic battalion	
Norway	
Poland	
Russian Federation	
Slovakia	
Turkey	
United States of America	
Military observers	
Civilian police	
International staff	
Local staff	
United Nations Volunteers	
Total	

DOCUMENT 1997/165/ADD.1

[Original: English]
[15 May 1997]

1. In my report on the financing of the United Nations Disengagement Observer Force (UNDOF) (A/50/851), which is now with before the General Assembly, the cost of maintaining the Force at its present strength for a 12-month period is estimated at $50.1 million gross ($49.1 million net) or $4,175,000 gross ($4,091,667 net) per month. These figures include the 10 per cent reduction in troop costs and the standard 6 per cent delayed recruitment factor for military observers and civilian personnel, as recommended in paragraph 77 of my report (A/50/713), the total of encumbering the Force will be within the resources to be provided by the General Assembly.

2. As at 30 April 1997, unpaid assessed contributions to the UNDOF special account for the 12-month period ending 30 June 1997 amounted to $27.8 million. The total outstanding assessed contributions for all peacekeeping operations as at 30 April 1997 were $3,648.7 million.

DOCUMENT S/1997/372

Report of the Secretary-General on the United Nations Disengagement Observer Force for the period 19 November 1996 to 16 May 1997

[Original: English]
[15 May 1997]

I. INTRODUCTION

1. The present report gives an account of the activities of the United Nations Disengagement Observer Force (UNDOF) during the period from 19 November 1996 to 16 May 1997 and contains my observations and conclusions. It is submitted pursuant to Security Council resolution 350 (1974) and succeeds the subsequent resolutions, most recently resolution 1060 (1996) of 27 November 1996.

II. MAIN DEVELOPMENTS RELATING TO UNDOF

2. During the period under review, the ceasefire in the Israel-Syria sector was maintained without serious incident and the Force's area of operation remained calm.

3. UNDOF supervised the area of separation by means of fixed positions and patrols to ensure that no military forces were in it. The Force also carried out 8 fortnightly inspections of armaments and force levels in the areas of limitation. Liaison officers from the parties concerned accompanied the inspection teams. As in the past, both sides denied inspection teams access to some of their positions and imposed some restrictions on the Force's freedom of movement.

4. UNDOF assisted the International Committee of the Red Cross with facilities for mail and the passage of persons through the area of separation. Within the means available, medical treatment was provided to the local population on request.

5. The Force Commander and his staff maintained close contact with the military liaison staffs of Israel and the Syrian Arab Republic. Both sides cooperated with the Force in the conduct of its tasks.

6. As at May 1997, UNDOF comprised 1,031 troops from Austria, Canada, Japan and Poland (A/51/326, annex, and A/51/327, annex, respectively), as well as from United Nations military observers attached from the United Nations Truce Supervision Organization (UNTSO). In addition, UNDOF was assisted by the 73 UNTSO military observers of the Observer Group Golan (OGG). Major General Ishwar V. Koonjul (Mauritius) continued as Force Commander. The deployment of the Force is shown on the map at the end of the present report.

III. FINANCIAL ASPECTS

7. By its resolution 51/226 of 7 June 1996, the General Assembly appropriated to the Special Account for UNDOF an amount of $53,750,000 gross ($52,650,000 net) for the maintenance of the Force for the period from 1 June 1996 to 30 June 1997. The commitment of the appropriation, which is equivalent to $4,479,167 gross per month, is limited to the decision of the Security Council to extend the current mandate of UNDOF.

8. The budget estimates for the period from 1 July 1996 to 30 June 1997 (A/51/326) contain recommendations for the Force and, respectively, contain, in the Secretary-General's opinion, the cost of maintaining UNDOF at its current level. For the 12-month period, totalling $53,750,000 gross, which is equivalent to $4,479,167 gross per month.

9. Unpaid assessed contributions to the special account for UNDOF as at 30 April 1997 amounted to $27.8 million. The total outstanding assessed contributions for all peacekeeping operations as at 30 April 1997 amounted to $3,648.7 million.

IV. OBSERVATIONS AND RECOMMENDATIONS

10. In accordance with its resolution 1060 (1996), by which it extended the mandate of UNDOF for a further period of six months, the Security Council asked me to report upon the possible arrangements immediately to implement resolution 338 (1973) and requested the Secretary-General to submit, at the end of the period, a report on the developments in the situation and the measures taken to implement that resolution.

11. The search for a peaceful settlement in the Middle East has not, in particular, the efforts undertaken in accordance with the relevant Security Council resolutions, including resolution 338 (1973), were dealt with in my predecessor's report on the situation in the Middle East, submitted in pursuance of General Assembly resolution 50/22 A and B, of 4 December 1995.

V. OBSERVATIONS

12. UNDOF remains an indispensable factor in the maintenance of the ceasefire called for by the Security Council and

the agreement on disengagement between Israeli and Syrian forces of 31 May 1974, has continued to perform its functions effectively, with the cooperation of the parties. The situation in the Israeli-Syrian sector has remained quiet and there has been no serious incident.

13. Despite the present quiet in the Israeli-Syrian sector, the situation in the Middle East continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached. I hope that determined efforts will be made by all concerned to tackle the problem in all its aspects, with a view to arriving at a just and durable peace settlement, as called for by the Security Council in its resolution 338 (1973).

14. In the prevailing circumstances, I consider the continued presence of UNDOF in the area to be essential. I therefore recommend that the Security Council extend the mandate of the Force for a further period of six months, until 30 November 1997. The Government of the Syrian Arab Republic has given its assent to the proposed extension. The Government of Israel has also expressed its agreement.

15. In making this recommendation, I must draw attention to the serious shortfall in the funding of the Force. At present, unpaid assessments amount to some $48.2 million. This sum, far larger than the current annual budget of UNDOF, represents money owed to Member States that contribute the troops who make up the Force. I appeal to all Member States to pay their assessments promptly, and in full, and to close the remaining arrears.

16. In conclusion, I wish to pay tribute to Major General Johannes L. Kootstra and to the staff and soldiers under his command. They have performed with efficiency and devotion to duty the important tasks assigned to them by the Security Council. I also wish to express my appreciation to the Governments contributing troops to UNDOF and to those that provide the UNDOF support elements assigned to the Force.

DOCUMENT S/1997/371

Letter dated 16 May 1997 from the representative of the Libyan Arab Jamahiriya to the President of the Security Council

DOCUMENT S/1997/385

Letter dated 20 May 1997 from the representative of Kyrgyzstan to the Secretary-General

[Original: Russian]
[20 May 1997]

On instructions from my Government, I have the honour to transmit herewith the text of the Protocol on Political Questions and the Bishkek Memorandum signed at the concluding session of the United Tajik talks in Bishkek, Kyrgyzstan, on 19 May 1997.

I should be grateful if you would have the present letter and its annexes circulated as a document of the Security Council.

(Signed) J. Tursunkulov Uulu
Permanent Representative of the *Kyrgyz Republic*
to the United Nations

ANNEX I

Protocol on Political Issues, signed in Bishkek on 18 May 1997

1. Pursuant to the General Agreement signed in the Kremlin and in accordance with the Protocol on the Confirmation Procedure of Guarantees, Peace and National Accord in Tajikistan of 17 August 1996, and the Agreement and Protocol on the Main Principles and Points of the Commission on National Reconciliation of 23 December 1996, which were signed by the President of the Republic of Tajikistan, E. Sh. Rakhmonov, and the leader of the United Tajik Opposition, S. A. Nuri, the delegations of the Government of the Republic of Tajikistan and the United Tajik Opposition (hereinafter referred to as "the Parties"), in implementation of instructions by the President and the leader of the United Tajik Opposition, have drawn up and adopted the statute on the Commission on National Reconciliation, which is an integral part of this Protocol. The Agreements and Protocol of 23 December 1996, which were signed in Moscow, are also an essential part of it. The Parties also reached agreement on the following basic political questions:

2. The President and the Commission on National Reconciliation shall assist the territorial parties act in the best political interests in the taking by the first regular session of the Commission (point 7(a)) of the decision on the adoption of the exceptional quota (or "the amnesty") shall be adopted.

3. The United Tajik Commission on Elections and the Referendum shall be established for a transitional period with the assistance of an international group of experts (point 4(c) of the United Tajik Agreement) and shall conduct the elections and referendum before the expiration of the term of the new parliament (Parliament) and the establishment of the new Central Commission of the Republic of Tajikistan.

4. The United Tajik Commission shall be entitled to the appointing representatives of the United Tajik Opposition into the structure of the executive branch, including ministries, departments, local government bodies, police, and law-enforcement bodies on the basis of a quota. The candidates put forward shall be appointed in accordance with the procedure by the United Tajik Opposition following consultations between the President and the Commission on the Commission on National Reconciliation.

5. The time and procedures of withdrawal by the territorial military units and formations of the United Tajik Opposition and the main subunits and units shall be fixed by the authorities of Tajikistan after the completion of the second phase of the implementation of the Protocol on Military Issues. The political parties and movements of the United Tajik Opposition shall function within the framework of the Constitution and the laws in force of the Republic of Tajikistan and in accordance with the rights and guarantees set forth in the General Agreement on the Establishment of Peace and National Accord in Tajikistan.

(Signed) E. RAKHMONOV
President of the Republic of Tajikistan

(Signed) S. NURI
Leader of the United Tajik Opposition

(Signed) G. MUSAYEV
Special Representative of the Secretary-General

ANNEX II

Bishkek Memorandum, signed in Bishkek on 19 May 1997

The President of the Republic of Tajikistan, E. Sh. Rakhmonov, and the leader of the United Tajik Opposition, S. A. Nuri, met here today in the city of Bishkek in the capital of the Republic of Kyrgyzstan, in order to consider ways to settle the question of the future implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan.

The President of the Republic of Tajikistan and the leader of the United Tajik Opposition, who are committed to the highest national interests of the Tajik people, unanimously agreed that the previous negotiation process and the agreements concluded during it constitute a solid basis for bringing the political situation in the Republic to the level of peaceful, constructive development. In this context, the most serious importance was placed on solving the problems on the agenda of the United Tajik talks. A Protocol on Political issues was signed, which includes agreements on such basic issues as the adoption of the exceptional quota law and the amnesty and the inclusion of 25 per cent of the representatives of the United Tajik Opposition in structures of the Central Electoral Commission for a transitional period, covering the Government, including Opposition representatives as if on the basis of a quota, filling the posts of deputy by the political parties and movements of the United Tajik Opposition and the issues of temporary status after the completion of the second phase of the implementation of the Protocol on Military Questions. In the context of the implementation of the Protocol on Military Issues, agreement was also reached on deploying in Dushanbe a contingent of the armed units of the United Tajik Opposition numbering 460 persons, and also 40 persons to protect the members of the Commission on National Reconciliation.

The President of the Republic of Tajikistan and the leader of the United Tajik Opposition signed an authoritative note with a request addressed to the president of Kyrgyzstan to use their influence to ensure the release of all the hostages and do not to approve any ransom for this purpose.

The President of the Republic of Tajikistan and the leader of the United Tajik Opposition agreed that, as a result of the Bishkek meeting, the obstacles that had arisen recently in the organization and conduct of the elections and the preparations for them had been overcome, and the talks had been unblocked. They agreed that the Commission on National Reconciliation should begin its work immediately after the signing of the General Agreement on the Establishment of Peace and National Accord in Tajikistan.

The President of the Republic of Tajikistan, E. Rakhmonov, the leader of the United Tajik Opposition, S. A. Nuri, and the Special Representative of the Secretary-General for Tajikistan, G. Musayev, expressed their profound appreciation to the President of the Kyrgyz Republic, A. Akayev, and the people of Kyrgyzstan for their hospitality and cordiality, the outstanding organization of the talks and the active assistance provided for their fruitful completion.

(Signed) E. RAKHMONOV
President of the Republic of Tajikistan

(Signed) S. NURI
Leader of the United Tajik Opposition

(Signed) G. MUSAYEV
Special Representative of the Secretary-General

DOCUMENT S/1997/410

Letter dated 28 May 1997 from the representative of the Islamic Republic of Iran to the Secretary-General

[Original: English]
[28 May 1997]

Upon instructions from my Government, I have the honour to enclose herewith the text of the Protocol on the Guarantees of Implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, signed by the delegations of the Republic of Tajikistan and of the United Tajik Opposition in Tehran, on 28 May 1997.

It would be appreciated if the present letter and its annex were circulated as a document of the Security Council.

(*Signed*) Kamal KHARRAZI
Permanent Representative
of the Islamic Republic of Iran
to the United Nations

ANNEX

Protocol on the Guarantees of Implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, signed at Tehran on 28 May 1997

Pursuant to the Protocol on the Fundamental Principles of Establishing Peace and National Accord in Tajikistan of 17 August 1995 and in order to ensure full and strict implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan (hereinafter referred to as the "General Agreement"), which includes as its integral parts:

- Protocol on the Fundamental Principles of Establishing Peace and National Accord in Tajikistan of 17 August 1995;
- Protocol on Political Issues of 18 May 1997;
- Agreement between the President of the Republic of Tajikistan, E. S. Rakhmonov, and the Leader of the United Tajik Opposition, S. A. Nuri, on the results of the meeting held in Moscow on 23 December 1996;
- Protocol on the Main Functions and Powers of the Commission on National Reconciliation of 23 December 1996;
- Statute of the Commission on National Reconciliation of 21 February 1997;
- Additional Protocol to the Protocol on the Main Functions and Powers of the Commission on National Reconciliation of 21 February 1997;
- Protocol on Military Issues of 8 March 1997;
- Protocol on Refugee Issues of 13 January 1997;

the delegations of the Government of the Republic of Tajikistan and of the United Tajik Opposition (UTO), in consultations with the Special Representative of the Secretary-General for Tajikistan and representatives of the Organization for Security and Cooperation in Europe (OSCE), the Organization of the Islamic Conference (OIC), the Islamic State of Afghanistan, the Islamic Republic of Iran, the Republic of Kazakstan, the Kyrgyz Republic, the Islamic Republic of Pakistan, the Russian Federation, Turkmenistan and the Republic of Uzbekistan agreed as follows:

1. The good will of the Government of the Republic of Tajikistan and the Leadership of the United Tajik Opposition (hereinafter referred to as "the Parties") and their commitment to achieving peace and national accord in the country shall be considered as the most important guarantees of strict implementation of the General Agreement. In this context, the mutual guarantees shall be deemed to be the agreements laid down in the above-mentioned Protocols and Agreements, in particular, to establish the Commission on National Reconciliation with equal representation of the Parties and headed by a representative of UTO, to reserve for representatives of the Opposition (UTO) thirty (30) per cent of posts in the executive power structures and twenty-five (25) per cent of seats in the Central Electoral Commission, to carry out the reintegration, disarmament and disbanding of the UTO armed units, as well as the reform of the power structures of the Republic of Tajikistan, to ensure the voluntary return, in safety and dignity, of all refugees and displaced persons to their homes, to provide amnesty for persons who took part in the civil conflict and political confrontation, as well as to lift the bans and limitations on the activities of political parties and movements that are part of UTO and on the mass media which shall function within the framework of the Constitution and effective laws of the Republic of Tajikistan, and in accordance with the norms and guarantees established in the General Agreement.

2. The Parties agreed to request the United Nations to provide guarantees of implementation of the General Agreement through possible adoption by the Security Council of a new mandate of the United Nations Mission of Observers in Tajikistan (UNMOT) which would take into account the successful completion of the inter-Tajik talks and might provide for monitoring of the implementation of the General Agreement by the Parties, provision of expertise, consultations and good offices at all stages of its implementation and, possibly, other functions.

3. At the request of the Parties, the Governments of the Islamic State of Afghanistan, the Islamic Republic of Iran, the Republic of Kazakstan, the Kyrgyz Republic, the Islamic Republic of Pakistan, the Russian Federation, Turkmenistan and the Republic of Uzbekistan agreed to act as political and moral guarantors of comprehensive and strict implementation of the General Agreement by the Parties. In this connection, it may be desirable to have periodic meetings of the Ministers for Foreign Affairs of the guarantor States in Dushanbe.

4. In order to monitor the implementation of the General Agreement by the Parties and to provide them with expertise, consultations and other good offices, the guarantor States agreed to establish, for the period of the implementation of the General Agreement, a Contact Group which shall be stationed in Dushanbe and shall consist of the ambassadors of the guarantor States accredited there or of specially appointed representatives. The Contact Group shall also include the Special Representative of the Secretary-General for Tajikistan, the head of the OSCE mission in Tajikistan and a representative of the Organization of the Islamic Conference (OIC). With the consent of the guarantor States, OSCE and OIC, the Special Representative of the Secretary-General for Tajikistan shall perform the functions of the Contact Group coordinator. Besides the above-mentioned monitoring and good offices, the Contact Group shall inform the Governments of the guarantor States, the Secretary-General through his Special Representative for Tajikistan and the decision-making bodies of the OSCE and OIC about any violations of the General Agreement by the Parties and shall forward recommendations on the ways of ensuring compliance. The Contact Group shall begin its work in Dushanbe concurrently with the commencement of the functioning of the Commission on National Reconciliation. Rules of procedure of the Contact Group shall be established by its members within one week following the beginning of its work.

5. OSCE, through its mission in Dushanbe, shall facilitate the implementation of the General Agreement in the areas related to the observance of human rights and the establishment of democratic, political and legal institutions and processes in the Republic of Tajikistan.

The present Protocol has been executed in the Russian and English languages, both language versions being equally valid.

(*Signed*) T. NAZAROV
Head of the delegation of the
Republic of Tajikistan

(*Signed*) A. TURAJONZODA
Head of the delegation of the
United Tajik Opposition

(*Signed*) Gerd MERRON
Special Representative of the Secretary-General of the United Nations

Representative of the Organization for Security and Cooperation in Europe	[*Signature illegible*]	*For the Government of the Kyrgyz Republic*	[*Signature illegible*]
Representative of the Organization of the Islamic Conference	[*Signature illegible*]	*For the Government of the Islamic Republic of Pakistan*	[*Signature illegible*]
For the Government of the Islamic State of Afghanistan	[*Signature illegible*]	*For the Government of the Russian Federation*	[*Signature illegible*]
For the Government of the Islamic Republic of Iran	[*Signature illegible*]	*For the Government of Turkmenistan*	[*Signature illegible*]
For the Government of the Republic of Kazakstan	[*Signature illegible*]	*For the Government of the Republic of Uzbekistan*	[*Signature illegible*]

DOCUMENT S/1997/415

Report of the Secretary-General on the situation in Tajikistan

[Original: English]
[30 May 1997]

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1099 (1997) of 14 March 1997, in which the Council requested me to submit to it a report on the situation in Tajikistan, including the United Nations presence in the country and the manner in which it could assist in the implementation of the inter-Tajik agreements. It brings up to date the record of developments in Tajikistan and of the United Nations Mission of Observers in Tajikistan (UNMOT), as well as the activities of my Special Representative for Tajikistan, since my report of 5 March 1997 [*S/1997/198*].

II. NEGOTIATING PROCESS

2. At the time of my previous report, the Moscow round of talks had been interrupted by the opposition delegation over the arrest and detention of four members of the United Tajik Opposition (UTO) at Dushanbe on charges of terrorist activities, including the assassination of foreign nationals. Despite this, the talks were successfully concluded on 8 March with the signing of the Protocol on Military Issues [*S/1997/209, annex II*]. The parties also agreed to hold the next round of talks beginning at Tehran on 9 April 1997.

3. The parties met at Tehran from 9 April to negotiate two documents: the Protocol on Political Issues and the Protocol on the Guarantees of Implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan. However, the talks were again suspended almost immediately by the opposition delegation. The stated reason was a request by the Government of Tajikistan to the authorities of the Russian Federation and other countries of the Commonwealth of Independent States (CIS) to arrest and extradite 11 UTO supporters charged with being accomplices of the 4 mentioned above. The UTO delegation also protested against the arrest by the government authorities of eight opposition fighters in Shurobad, as well as the continued detention by the Government of Tajikistan of the four opposition members arrested in February. One of the four, considered to be only a witness, was released on 13 May.

4. Despite the best efforts of my Special Representative, Mr. Gerd Dietrich Merrem, and the observer countries and organizations, the talks remained stalled and the parties departed Tehran on 16 April with an agreement to resume the round at Tehran in mid-May; in the meantime, efforts to resolve the difficulties were to continue.

5. At Mr. Merrem's initiative, President Emomali Rakhmonov and UTO leader Sayed Abdullo Nuri met at Bishkek, Kyrgyzstan, from 16 to 18 May. Following three days of talks, the two leaders agreed on and signed the Protocol on Political Issues [*S/1997/385, annex I*]. The Protocol contains provisions for the adoption of a reciprocal pardon act and an amnesty act; the allocation to UTO of 25 per cent of the seats on the central electoral commission; reform of the Government through the incorporation of UTO representatives into structures of the executive branch and judicial and law-enforcement bodies on the basis of a quota; and the lifting of the ban on the activities of political parties and movements, and mass media. They also signed the Bishkek Memorandum [*ibid., annex II*], in which they agreed, *inter alia*, on the number of UTO forces to be stationed at Dushanbe, and that the Commission on National Reconciliation would begin its work immediately after the signing of a general agreement on peace and national accord. President Askar A. Akayev of Kyrgyzstan made available his good offices during the talks, contributing greatly to their success.

6. The Tehran round of talks resumed on 22 May. On 28 May, the two sides signed a Protocol on the Guarantees of Implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan [*S/1997/410, annex*]. Under the Protocol, the parties requested the United Nations to provide political guarantees of implementation through the possible adoption by the Security Council of a new mandate for UNMOT, which would provide for the monitoring of the implementation of the General Agreement, the provision of expertise, consultation and good offices and possibly other functions. The observer countries agreed to act as political and moral guarantors and, in order to monitor the implementation of the General Agreement, to establish at Dushanbe a contact group, which would also include the ob-

server organizations, with the Special Representative of the Secretary-General acting as coordinator.

7. The protocol on guarantees completes the series of separate protocols provided for in the Protocol on the Fundamental Principles of Establishing Peace and National Accord of 27 August 1995 [*S/1995/720, annex*]. The other agreements are the Protocol on Political Issues of 18 May 1997 [*S/1997/385, annex I*], the agreement between the President of Tajikistan and the leader of UTO of 23 December 1996 and the Protocol on the Main Functions and Powers of the Commission on National Reconciliation of the same date [*S/1996/1070, annexes I and II*], the statute of the Commission on National Reconciliation of 21 February 1997 and the Additional Protocol to the Protocol on the Main Functions and Powers of the Commission [*S/1997/169, annexes I and II*], the Protocol on Military Issues of 8 March 1997 [*S/1997/196, annex II*], and the Protocol on Refugee Issues of 11 January 1997 [*S/1997/55, annex*].

8. The Government and UTO have agreed that the General Agreement on the Establishment of Peace and National Accord in Tajikistan will be signed by President Rakhmonov and Mr. Nuri in Moscow on 27 June.

III. DEVELOPMENTS IN TAJIKISTAN

A. Activities of the Contact Group

9. The respective between the Government of Tajikistan and UTO has generally held. Both sides coordinated efforts necessary to the acceptance of the Protocol on Military Issues and met with delegations to visit field commanders from areas outside the Kofarnigan valley and the Vakhdata sector, and in the Upper Surkhandarb and Kulyabskaya areas. The delegations were led by Mr. Abdulaziz Azimov, Secretary of the National Security Council, and Mr. Davlat Usmonov, UTO Chief of Staff. A government delegation also visited the Leninabad region in the north to explain the provisions of the protocols and to mobilize support for the peace process.

10. In early April, however, there was a period of tension between government authorities and an opposition field commander in Tajikistan's Kurgan-Tyube region (south of Dushanbe), over the issuance of a card of Ministry of the Interior personnel. When the opposition commander objected to the apprehension, on 7 May the opposition field commander took hostage two members of the Joint Commission, one from each side, as well as a government official travelling with them, demanding the withdrawal of government forces from the area. The situation was defused and the hostages released following intervention by the UTO leadership and UNMOT. On 14 May, the Government proceeded to the Joint Commission the establishment of new opposition posts in the areas of Tajikistan Surkhandarb, Nurek, and Kulyabskaya. The Government is to take up the matter with the opposition leadership in order to resolve the situation.

B. Security situation

11. The security situation in Tajikistan, in particular in Dushanbe, the Nurek area and along the road from Dushanbe to Qurghonteppa, remained precarious. The hostage crisis in December and kidnappings that were resolved by essentially meeting the demands of the group that had taken the hostages, causing concern that others, especially those opposed to reconciliation between the Government and UTO, would be encouraged to use the same means to further their aims. It was therefore considered that, soon after the release of the hostages on 17 February, the Government and the opposition undertook a joint operation against the hostage takers. The operation lasted about 10 hours and was described as successful, although the capture of one of the hostage leaders and a number of his fighters. Several others were reportedly killed. On the other hand, the Government has not yet discontinued counter-guerrilla operations against those involved in the two hostage incidents. Armed opposition groups continue to be active in the Kofarnigan and Vakhdata valleys, as well as in the outskirts of the capital. The general security situation in the vicinity of the Presidential Council and a number of Government buildings remained tense. The main roads remained unsafe and travellers, including United Nations personnel, were subjected to harassment and robbery by armed groups. There were reports of UTO field commanders operating in the Kofarnigan valley and in the Kulyab area.

12. A number of incidents took place during the period under review, including the shooting on 10 April of an armed escort of an international Presidential Council member, Mr. Khudoiberdy Khojiyev, in Qurghonteppa Province. The same day, two members of the armed field groups of opposition commanders were killed and one wounded in a clash with government forces in the Kofarnigan area of the countryside. On 13 May, a United Nations vehicle was fired on in Dushanbe by a group of armed individuals belonging to the Government security forces. The vehicle was damaged, but no one was injured.

13. On the national level, on 9 April, a commemoration was held marking the fifth anniversary of the establishment of the Presidential Council. On 15 May, celebrations were organized in the capital to mark the fifth anniversary of the signing of the Protocol on Military Issues.

C. Activities of the United Nations Mission of Observers in Tajikistan

14. The Mission of United Nations observers in Tajikistan (UNMOT), established at Dushanbe on 23 May 1994, is headed by the Special Representative of the Secretary-General, who is assisted by the Deputy Special Representative, Chief Military Observer and the Chief Administrative Officer. The Mission's headquarters is located in Dushanbe, with regional offices in Khujand, Kulyab and Qurghonteppa. The Mission's military component consists of 40 military observers from 19 countries. The Mission's civilian component consists of 20 international staff members and 30 local staff. The Mission is supported by a United Nations Security Officer and a Public Information Officer. The Mission's headquarters is located in Dushanbe, with regional offices in Khujand, Kulyab and Qurghonteppa. The Mission's military component consists of 40 military observers from 19 countries. The Mission's civilian component consists of 20 international staff members and 30 local staff. The Mission is supported by a United Nations Security Officer and a Public Information Officer.

15. The Special Representative and Chief Military Observer of UNMOT, Ambassador Gerd Merrem, visited Tajikistan from 3 to 7 May. During his visit, he met with President Rakhmonov, Prime Minister Abdumalik Abdullajanov, Speaker of the Supreme Assembly Safarali Kenjayev, Deputy Prime Minister Abdujalil Samadov, Minister of Foreign Affairs Talbak Nazarov, Minister of Defence Sherali Khairulloyev, Minister of Internal Affairs Khumdin Shokhmurodov, Chairman of the State Committee for National Security Saidamir Zukhurov, Chairman of the Committee for Emergency Situations and Civil Defence Bobojon Ghafforov, Chairman of the Committee for Refugees Abdurahim Gulov, Chairman of the Committee for Border Troops Major-General Abdurahim Nazriyev, Chairman of the Committee for Customs Affairs Abdurahim Qodirov, Chairman of the Committee for Television and Radio Broadcasting Nusratullo Mahmudov, Chairman of the Committee for Press and Information Mahmadsaid Ubaidulloyev, Chairman of the Committee for Religious Affairs Nematullo Nazarov, Chairman of the Committee for Women's Affairs Mavjuda Rakhimova, Chairman of the Committee for Youth Affairs Rustam Shamsiddinov, Chairman of the Committee for Sports Yusuf Rajabov, Chairman of the Committee for Culture Bakhtinisso Sharipova, Chairman of the Committee for Environmental Protection Saidmukarram Khomidov, Chairman of the Committee for Land Resources Nusratullo Rajabov, Chairman of the Committee for Architecture and Construction Mirzo Ziyoyev, Chairman of the Committee for Statistics Abdujabbor Rahmonov, Chairman of the Committee for Economic Development and Trade Abdurahim Qodirov, Chairman of the Committee for Industry Abdumalik Nazarov, Chairman of the Committee for Agriculture Kamoliddin Sabirov, Chairman of the Committee for Water Resources Nusratullo Rajabov, Chairman of the Committee for Transport and Communications Abdurahim Qodirov, Chairman of the Committee for Energy and Electrification Abdurahim Qodirov, Chairman of the Committee for Geology Abdurahim Qodirov, Chairman of the Committee for Forestry Abdurahim Qodirov, Chairman of the Committee for Fisheries Abdurahim Qodirov, Chairman of the Committee for Tourism Abdurahim Qodirov, Chairman of the Committee for Trade Abdurahim Qodirov, Chairman of the Committee for Consumer Goods Abdurahim Qodirov, Chairman of the Committee for Food Industry Abdurahim Qodirov, Chairman of the Committee for Light Industry Abdurahim Qodirov, Chairman of the Committee for Heavy Industry Abdurahim Qodirov, Chairman of the Committee for Defence Industry Abdurahim Qodirov, Chairman of the Committee for Space Research Abdurahim Qodirov, Chairman of the Committee for Nuclear Energy Abdurahim Qodirov, Chairman of the Committee for Chemical Industry Abdurahim Qodirov, Chairman of the Committee for Petroleum Industry Abdurahim Qodirov, Chairman of the Committee for Gas Industry Abdurahim Qodirov, Chairman of the Committee for Coal Industry Abdurahim Qodirov, Chairman of the Committee for Metallurgy Abdurahim Qodirov, Chairman of the Committee for Machine Building Abdurahim Qodirov, Chairman of the Committee for Instrument Making Abdurahim Qodirov, Chairman of the Committee for Electronics Abdurahim Qodirov, Chairman of the Committee for Communications Abdurahim Qodirov, Chairman of the Committee for Information Technology Abdurahim Qodirov, Chairman of the Committee for Science and Technology Abdurahim Qodirov, Chairman of the Committee for Education Abdurahim Qodirov, Chairman of the Committee for Culture Abdurahim Qodirov, Chairman of the Committee for Health Abdurahim Qodirov, Chairman of the Committee for Social Security Abdurahim Qodirov, Chairman of the Committee for Labour Abdurahim Qodirov, Chairman of the Committee for Employment Abdurahim Qodirov, Chairman of the Committee for Migration Abdurahim Qodirov, Chairman of the Committee for Refugees Abdurahim Qodirov, Chairman of the Committee for Border Troops Abdurahim Qodirov, Chairman of the Committee for Customs Affairs Abdurahim Qodirov, Chairman of the Committee for Television and Radio Broadcasting Abdurahim Qodirov, Chairman of the Committee for Press and Information Abdurahim Qodirov, Chairman of the Committee for Religious Affairs Abdurahim Qodirov, Chairman of the Committee for Women's Affairs Abdurahim Qodirov, Chairman of the Committee for Youth Affairs Abdurahim Qodirov, Chairman of the Committee for Sports Abdurahim Qodirov, Chairman of the Committee for Culture Abdurahim Qodirov, Chairman of the Committee for Environmental Protection Abdurahim Qodirov, Chairman of the Committee for Land Resources Abdurahim Qodirov, Chairman of the Committee for Architecture and Construction Abdurahim Qodirov, Chairman of the Committee for Statistics Abdurahim Qodirov, Chairman of the Committee for Economic Development and Trade Abdurahim Qodirov, Chairman of the Committee for Industry Abdurahim Qodirov, Chairman of the Committee for Agriculture Abdurahim Qodirov, Chairman of the Committee for Water Resources Abdurahim Qodir

27. UNMOT is to continue, under the agreements, to monitor the ceasefire agreement and to provide general political support and good offices, and technical and specialized advice as appropriate. In addition, my Special Representative's political responsibilities are to include coordination of the contact group to be set up under the protocol on guarantees; and, pursuant to the Protocol on Military Issues, UNMOT is to monitor the process of reintegration, disarmament and disbandment of the armed units of UTO and the reform of the governmental power structures.

28. I should point out to the members of the Security Council that these tasks are not fully covered by the present mandate of UNMOT, nor does UNMOT have the capacity at present to perform them. To fulfil the tasks envisaged, the mandate would require amendment, its civilian complement would need to be strengthened and the number of its military observers significantly increased. It is imperative to keep in mind that security is an important consideration in this operation. In certain parts of Tajikistan, the deployment of unarmed personnel is at present considered to entail an unacceptable level of risk and, therefore, they would need to be protected. One possibility would be for the Collective Peacekeeping Forces of CIS to assume this responsibility, provided that is accepted and supported by all the parties concerned. I intend to revert to the Security Council with recommendations concerning the adjustment of the UNMOT mandate and strength once answers have been found to this and other open questions that will require decisions by the Commission on National Reconciliation.

29. In the present circumstances, I recommend that the Security Council extend the mandate of UNMOT for a period of three months, until 15 September 1997, on the understanding that I shall keep the Council informed of significant developments and shall revert to it before that date if the questions referred to above have been clarified.

30. I take this opportunity to express my appreciation to the Governments of the Islamic Republic of Iran, Kyrgyzstan and the Russian Federation as hosts of the last rounds of negotiations, and to the observers to the inter-Tajik talks for their continued support for the process.

31. Finally, I should like to pay tribute to Mr. Merrem, my Special Representative, and to the men and women serving with him for the exemplary manner in which they have discharged their responsibilities under hazardous conditions. I should also like to thank the countries contributing military personnel to UNMOT for their cooperation and support during this period.

UNMOT DEPLOYMENT AS OF MAY 1997
DEPLOIEMENT DE LA MONUT EN MAI 1997
DESPLIEGUE DE LA UNMOT EN MAYO DE 1997
UZBEKISTAN
KYRGYZSTAN
TAJIKISTAN
CHINA
AFGHANISTAN
PAKISTAN
Khujand
Kokand
Isfara
Samarkand
Termez
Dushanbe
KUHISTONI BADAKHSHON
KHATLON
HQ
LO

DOCUMENT S/1997/417

Letter dated 30 May 1997 from the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait to the President of the Security Council

[Original: English]
[30 May 1997]

I have the honour to transmit herewith the report of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait pursuant to paragraph 12 of Council resolution 986 (1995). The report, adopted by the Committee on 30 May 1997 prior to the end of the initial 180-day period on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995), covers mainly the Committee's related activities since the submission of its first report on 21 March 1997 (S/1997/273, annex).

(Signed) Antonio MOSCIATO
Chairman
Security Council Committee established by
resolution 661 (1990) concerning the
situation between Iraq and Kuwait

ANNEX

Report of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995)

I. [illegible]

1. The present report is submitted to the Security Council pursuant to paragraph 12 of resolution 986 (1995) of 14 April 1995, in which the Council requested the Committee [illegible] established by resolution 661 (1990) of 6 August 1990 to report to it prior to the end of the initial 180-day period on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of the resolution. The initial 180-day period after paragraph 1 of the resolution came into force ends on 5 June 1997.

2. The arrangements under resolution 986 (1995) [illegible] were as summarized in section II of the previous report of the Committee to the Council (S/1997/273, annex). While the process for approval of civilian contracts remains as previously described, with consultations continuing among the Committee members, the Secretariat and the Iraqi State Trading Organization for Foodstuffs, the processing of contracts for foodstuffs and supplies has experienced some practical difficulties, especially at the beginning of the present "phase" of implementation, which have affected the performance of the Committee and of the Secretariat. Many of these difficulties were reflected in addenda to the Committee's first report on the essential needs of the Iraqi civilian population for the fifth 90-day period under resolution 986 (1995) (S/1997/273/Add.1 and Add.1/Corr.1), annex I). Humanitarian supplies have gradually started arriving in Iraq and the original humanitarian needs of the Iraqi civilian population are being met to a greater extent than before.

II. [illegible]

3. As at 30 May, pursuant to paragraph 1 of the resolution of the Security Council Committee, 27 contracts for purchases from 20 countries were authorized to commence delivery, with the contracts have been concluded. As at 30 May, a total of 53 contracts have been submitted for review by the Committee and 46 of them have been approved. Thirty-four of those were civilian contracts and 12 were spare contracts. The total quantity of all approved [illegible] under those contracts amounts to approximately 4.01 million tonnes, for the 180 days of an estimated value of $2.16 billion. In view of the remainder of the contracts that are scheduled for delivery during the current [illegible] and 90-day period, as well as the schedule and volume of authorized lifftings in the first quarter of implementing the resolution (as of delivered through 7 June 1997 without exceeding the 180-day revenue allocation of $2.14 billion, including the pipeline fee).

4. The contractors have continued to work with the Iraqi State Oil Marketing Organization to address changes in prices, volumes, liftings and documentation. In the second 90 days, the contracts recommended to the Committee for those sales of authorized pricing mechanisms for loadings in March, April and May submitted by the Iraqi State Oil Marketing Organization were pursuant to paragraphs 5 and 6 of the procedures of the Committee. During the second 90-days, all new contracts submitted complied with the pricing mechanisms approved by the Committee.

5. Some 53.6 loadings, totalling 3.95 million barrels, with an estimated value of $2.16 billion, have been completed. In accordance with paragraph 8 of resolution 986 (1995), about 47 per cent of Iraqi oil has been shipped through the Kirkuk - Ceyhan/Iskenderun pipeline. The letters of credit opened for each of the loadings were confirmed by the contractors upon completion of the terms and conditions of the contracts approved and communicated to the parties concerned.

6. In the first 90 days, 53 civilian contracts were lifted. 37 civilian contracts from the total of all approved terms and spare contracts for that period. Those contracts, totalling 2.9 million barrels, were scheduled for the last month of the first 90 days, but shipped into the second 90-days period as a result of operational problems. The total revenue generated from the 180-days was $1.594 billion. The allocation of $167 million was carried over to all the second 90 days pursuant to the proposals of the contractors approved by the Committee on 17 March concerning contract administration and revenue management.

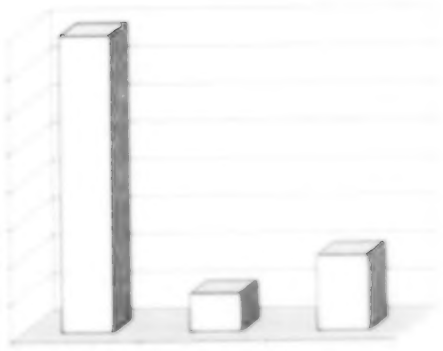
7. For the second 90 days, 53 loadings totalling 67 million barrels at an estimated value of $1.116 billion have been completed. Three of those liftings were delayed loadings from the first 90 days.

8. Pursuant to paragraph 14 of the procedures of the Committee, the contractors have been reporting to it when a tanker on the contract is considered by them ready to the port of petroleum engineering in Iraq, including the cumulative quantity and approximate value of particulars authorized for export for the 27 such vessels have been calculated in the Committee.

9. The United Nations independent inspection agents (Saybolt International) continue to be facilitating the implementation of resolution 986 (1995), by monitoring the export of oil from Iraq as required under paragraph 8 of the resolution. A representative of Saybolt briefed the Committee at its 130th meeting, on 29 May, on the set monitoring activities in the Ceyhan oil terminal and the Gulf loading station used as the Iraqi oil terminal in Turkey. The representative described the set monitoring agreement as effective and smooth and added that the independent inspectors have access to the full cooperation of the Iraqi and Turkish authorities. The Committee appreciated the information provided by Saybolt and requested that such briefings be held on a regular basis.

III. [illegible]

10. The process for approval of applications for supporting materials and goods to Iraq has been one of the most complex tasks facing the Security Council Committee and the secretariat. The Committee is concerned at the slow pace of contract approvals, which has been caused by a number of factors, including the limited modifications of holds on the United Nations inventory and deficiencies in submission applications. Committee members have placed holds on contracts and requested additional information in the applications in order to safeguard the implementation of the approved resolutions. The Committee continues [illegible]



DOCUMENT S/1997/419

Report of the Secretary-General pursuant to paragraph 12 of Security Council resolution 986 (1995)

9. As required under paragraph 11 of resolution 986 (1995), I wish to report, based on the assessment of the overseers and the independent inspection agents (Saybolt), that Iraq has the capacity to export sufficient quantities of petroleum and petroleum products to meet the revenue target of $1 billion every 90 days. I should add that the work of the above independent inspection agents, who are responsible for monitoring the relevant oil installations in Iraq and at Ceyhan, Turkey, has also been proceeding smoothly. They have enjoyed the full cooperation of Iraqi and Turkish authorities.

III. PURCHASE AND CONFIRMATION OF ARRIVAL OF HUMANITARIAN SUPPLIES

10. Some difficulties have arisen in the processing of applications by the Security Council Committee owing to the complexity of the arrangements resulting from resolution 986 (1995), the Memorandum of Understanding and the procedures adopted by the Security Council Committee. In view of those difficulties, the Committee has adopted a number of measures intended to facilitate a more expeditious processing of contracts. On my part, I have taken steps to reinforce the Secretariat team responsible for processing applications and to streamline its internal working procedures. As a result, the pace at which contracts are being processed by the Secretariat has improved. However, other difficulties beyond the control of the Secretariat still remain. I am hopeful that, in cooperation with the Committee, those difficulties can be effectively addressed.

11. As at 30 May, 630 applications for exports of humanitarian supplies to Iraq had been received by the secretariat of the Security Council Committee. Of the 574 circulated to the Committee, 331 were approved, 191 placed on hold and 14 blocked, and 38 are pending under the "no-objection" procedure or awaiting clarification. Some applications are screened and processed according to priority lists approved by the Committee.

12. The 32 independent inspection agents provided by Lloyd's Register have been authenticating the arrival in Iraq of humanitarian supplies at the agreed entry points. They have ensured that all consignments received in Iraq under resolution 986 (1995) are in compliance with defined requirements, possess a value in accordance with internationally accepted trade practice and are of declared quality and quantity. They have received full cooperation from the Iraqi authorities. The independent inspection agents report daily on their activities to the secretariat of the Security Council Committee. The information provided by them is routinely shared with the Office of the Humanitarian Coordinator in Iraq. Throughout this second 90-day period, authentication of the goods has been taking place at an increasing rate at all three entry points.

IV. UNITED NATIONS IRAQ ACCOUNT

13. As at 28 May 1997, the United Nations Treasury had processed letters of credit for approximately $2.11 billion worth of petroleum. Proceeds amounting to a total of $1,747,405,752.62 had been deposited into the United Nations Iraq Account at the Banque nationale de Paris and let-

ters of credit amounting to $465.9 million had been issued by the Banque nationale de Paris on behalf of the United Nations for the payment of humanitarian supplies destined for the whole of Iraq.

14. The distribution of the funds received in the United Nations Iraq Account and related expenditures are as follows:

(a) $878.4 million has been allotted for the purchase of humanitarian supplies by the Government of Iraq, as specified in paragraph 8 (a) of resolution 986 (1995). Expenditures recorded for contracts for humanitarian supplies approved by the Security Council Committee amount to $572.0 million;

(b) $215.4 million has been allotted for the purchase of humanitarian goods to be distributed in the three northern governorates by the United Nations Inter-Agency Humanitarian Programme, as specified in paragraph 8 (b) of the resolution. Expenditures recorded for humanitarian goods contracts approved by the Security Council Committee amount to $49.4 million;

(c) $497.2 million has been transferred directly to the United Nations Compensation Fund, as specified in paragraph 8 (c) of the resolution. Of that amount, $150.1 million has been allotted for the payment of the first instalment of "A" and "C" claims ($144.6 million) and for the operating expenses of the Compensation Commission ($5.5 million);

(d) $36.5 million has been allotted for the operational and administrative expenses of the United Nations associated with implementation of resolution 986 (1995), as specified in paragraph 8 (d) of the resolution. Expenditures for administrative costs for all United Nations entities involved in implementing the resolution amount to $20.3 million;

(e) $33.3 million has been transferred to the United Nations Special Commission for its operating requirements, as specified in paragraph 8 (e) of the resolution, of that amount, $13.0 million has been allotted for the operating expenses of the Special Commission;

(f) $90.0 million has been set aside to cover transportation costs for petroleum and petroleum products originating in Iraq that are exported via the Kirkuk-Yumurtalik pipeline through Turkey, as foreseen in paragraph 8 (f) of resolution 986 (1995) and in accordance with procedures established by the Security Council Committee;

(g) $16.6 million has been transferred directly to the escrow account established pursuant to resolutions 706 (1991) of 15 August 1991 and 712 (1991) of 19 September 1991 for the payments envisaged under paragraph 6 of resolution 778 (1992) of 2 October 1992, as specified in paragraph 8 (g) of resolution 986 (1995).

15. In accordance with paragraph 7 of resolution 986 (1995), the United Nations Iraq Account will be audited by the Board of Auditors, which will prepare a report on the financial statements covering the period from the establishment of the United Nations Iraq Account to 30 June 1997.

V. IMPLEMENTATION OF THE DISTRIBUTION PLAN

16. Prior to April 1997, the food ration provided by the Government of Iraq satisfied about 50 per cent of daily es-

42. An observation plan for the distribution of medical goods was drawn up by WHO in consultation with local authorities in April. It was put into effect upon the arrival of the first medical supplies in Dubiak, Urbel and Sulayemmiyah on 29 May. The shipment, a small quantity of micronutrient powder, was unloaded at the WHO-managed warehouse in Urbel and immediately inspected. On 29 May, distributions started in Urbel, Dubiak and Sulayemmiyah in the presence of United Nations observers.

VIII. [illegible]

43. The United Nations is responsible for determining whether efficient, equitable and adequate distribution of commodities has occurred. To date, the only section [illegible] in sufficient quantities to assess whether equitable distribution has taken place has been food and related items.

Efficiency

44. With minor exceptions resulting from isolated bag losses and packaging damages, the commodities have been transported efficiently throughout the country, with no undue congestion and minimal security or communication delays in the governorate warehouses. Commodities are also generally stored in hygienic conditions, and food distributors credit the rations for their clients according to plans following a monthly calendar. Since 29 March, United Nations observers have not detected any significant or unacceptable losses during the handling and processing of commodities. WFP commodities. To date, at Umm Qasr, losses during handling amounted to 1.5 per cent, which is considered acceptable. Observers regularly report on any wastage due to poor storage during transport to governorate warehouses. To [illegible] 30 trucks. No major discrepancies have been reported, although Umm Qasr, although rain damage have been insignificant. One truck was attacked in Dakiak and the [illegible] are investigating.

45. With regard to the processing of wheat, surveys have shown that the average national extraction rate is about 82 per cent yield of flour. There was some difference between mills, with extraction rates ranging between 81.5 and 82.5 per cent. However, geographical and seasonal disparities have been reported[illegible] that many mills currently operate at [illegible] capacity with outdated equipment, thereby causing a risk of breakdowns that could have a negative effect on the production of flour. Port management at Umm Qasr, such as [illegible] suction pumps for off-loading bulk cargo, adequate [illegible] forklifts and container cranes, are also required.

Commodity

46. Sufficient observations of the governorate level were carried out during April and May to indicate that the distribution system is working equitably to bring available commodities to all governorates. Ministry of Trade allocations to governorates have been verified by spot checks on warehouse stock levels. WFP reports that virtually no governorate appears to have received significantly less of any single commodity. Results of observations so far confirm that registered beneficiaries have received their rations. No major [illegible] were reported in the commodity tracking system [illegible] by the local authority representatives. A few cases of [illegible] have been found, mainly in the form of [illegible] and [illegible] in the [illegible] system. Investigations are under way. [illegible] Ministry of Trade officials [illegible] to [illegible] during the last inspection of the central warehouse in Dubiak. [illegible] Also, an [illegible] inspection found the [illegible] [illegible] [illegible]

ANNEX I

Summary of food commodity arrivals in Iraq under resolution 986 (1995), as of 28 May 1997

Commodity	Amount allocated (in metric tons)	Total amount contracted[a] (in metric tons)	Percentage of distribution plan allocated
Vegetable ghee	127 562	95 846	75
Infant formula	8 100	5 183	64
Pulses	127 562	58 959	46
Rice	114 818	59 867	52
Salt	12 756	7 654	60
Sugar	255 564	251 [illegible]	[illegible]
Tea	5 104	3 [illegible]	[illegible]
Wheat grain	1 [illegible]	[illegible]	[illegible]
Yeast yeast	2 [illegible]	1 [illegible]	[illegible]
Detergent	25 [illegible]	2 [illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]

Source: MCRO, report of 28 May 1997.

[a] Contracted plus figures can exceed Iraqi requirements. The total value of flour milled from wheat grain is estimated at $ [illegible].

ANNEX II

Arrival, distribution and current stock levels of food commodities under resolution 986 (1995) in Iraqi governorates

(Tonnes)

Governorate		Overgrain	Vegetable ghee	Infant formula	Pulses	Rice	Salt	Wheat[a]	Sugar	Tea	Yeast	Total
Dahuk	Arrived	441.00	777.00	216.00	324.00	324.00	75 672.00	1 296.00	1 641.00	1 350.00	13 046.79
	Distributed	1 [illegible]	251.00		1 [illegible]		69 [illegible]	1 [illegible]	1 [illegible]	1 [illegible]	[illegible]
	In stock	88.00	36.00	216.00	108.00	324.00	6 [illegible]	432.00	468.00	405.00	3 [illegible]
Erbil	Arrived	764.00	972.00	81.00	324.00	324.00		1 620.00	1 350.00	810.00	6 445.51
	Distributed	658.00	180.00		1 [illegible]			1 [illegible]	702.00	337.50	3 861.00
	In stock	6.00	72.00	81.00	162.00	1 [illegible]		486.00	918.00	810.00	3 [illegible]
Baghdad	Arrived	7 [illegible]	1 [illegible]	1 [illegible]	1 [illegible]	2 [illegible]	[illegible]	2 [illegible]	2 [illegible]	1 [illegible]	[illegible]
	Distributed	7 [illegible]	1 [illegible]		1 [illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	In stock	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Diyala	Arrived	1 [illegible]	1 [illegible]	1 [illegible]	1 [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	Distributed	294.00	[illegible]		1 [illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	In stock	90.00	90.00	1 [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Kirkuk	Arrived	588.00	972.00	90.00	1 [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	Distributed	498.00	222.00		1 [illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	In stock		20.00	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Najaf	Arrived	1 [illegible]	[illegible]	[illegible]	1 [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	Distributed	920.00	[illegible]		1 [illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	In stock	94.00	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Qadisiyah	Arrived	255.00	367.00	72.00	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	Distributed	255.00	[illegible]		1 [illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	In stock		1 [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Karbala	Arrived	2 [illegible]	[illegible]	1 [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	Distributed	2 [illegible]	[illegible]		[illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	In stock		1 [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Najaf	Arrived	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	Distributed	[illegible]	[illegible]		[illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	In stock	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Qadisiyah	Arrived	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	Distributed	[illegible]	[illegible]		[illegible]		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	In stock	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

Governorate		Description	Unit cost	Subtotal cost	Admin. allowance	Rice	Wheat[a]	Flour	Vegetable ghee	Pulses	Total
Muthanna	Annual	126 000	120.00	30.00	113 400	22 050	4 479 000	1 302 000	504 000	630 000	12 861 450
	Distributed	101 250	112.50		91 000		3 712 500	810 000	454 000	675 000	9 498 000
	Ta stock	24 750	7.50	30.00	22 400	22 050	1 146 000	672 000	110 000	162 000	2 553 450
Najaf	Annual	228 000	160.00	40.00	280 800	147 000	14 568 000	4 347 000	1 470 000	1 764 000	44 983 800
	Distributed	174 000	150.00		89 000		12 915 000	4 524 000	1 442 000	1 449 000	40 988 000
	Ta stock		1 407	127.50	23 130	147 000	1 647 000	228 000	268 000	294 000	3 995 430
Missan	Annual	318 000	160.00	120.00	318 000	28 350	5 733 000	1 836 000	720 000	810 000	17 267 350
	Distributed	318 000	150.00		80 000		5 733 000	1 674 000	669 000	618 000	14 918 000
	Ta stock	21 000	75.00	210.00	270 000	28 350	1 278 000	162 000	51 000	192 000	2 349 350
Dhi Qar	Annual	192 000	160.00	120.00	273 600	22 050	14 352 000	3 864 000	1 824 000	1 380 000	27 900 000
	Distributed	177 000	157.50		77 000		9 327 000	3 600 000	1 134 000	1 065 000	22 302 000
	Ta stock			210.00	196 600	22 050	5 025 000	264 000	690 000	315 000	6 598 050
Basra	Annual	333 000	320 000	120.00	54 000	22 050	25 965 000	7 224 000	4 866 000	990 000	29 857 050
	Distributed	177 000	240 000		11 000		14 451 000	3 864 000	787 000	786 000	23 813 000
	Ta stock		780	150.00	43 000	22 050	11 514 000	3 360 000	4 079 000	204 000	19 223 050
Ta'mim	Annual	600 000	1 110 000	97 000	372 000	28 350	51 135 000	12 636 000	6 750 000	900 000	72 905 350
	Distributed	171 000	132 000		55 000		12 468 000	1 128 000	4 734 000	639 000	13 779 000
	Ta stock	87 000	978 000	97 000	317 000	28 350	867 000	468 000	1 866 000	666 000	5 126 350
Erbil	Annual	714 000	777 000	240 000	399 000	49 000	34 860 000	8 442 000	5 772 000	1 230 000	51 703 000
	Distributed	192 000	597 000		74 000		19 215 000	4 974 000	833 000	567 000	25 185 000
	Ta stock	522 000	180 000	240 000	325 000	49 000	7 755 000	1 008 000	3 621 000	567 000	14 996 000
Sulaymaniyah	Annual	720 000	1 110 000	360 000	525 000	70 000	43 560 000	8 244 000	7 227 000	1 434 000	63 140 000
Total	Distributed	366 000	54 000		21 000		7 722 000	1 170 000	675 000	432 000	10 440 000
	Ta stock	354 000	945 000	360 000	504 000	70 000	5 238 000	1 068 000	1 647 000	1 002 000	10 700 000
	Annual	7 560 000	7 275 000	1 440 000	3 591 000	1 092 000	351 000 000	92 778 000	57 258 000	23 826 000	526 908 000
	Distributed	4 956 000	4 800 000		800 000		407 421 000	93 672 000	17 820 000	7 920 000	441 393 000
	Ta stock	2 604 000	2 475 000	1 440 000	2 791 000	1 092 000	57 258 000	14 922 000	9 789 000	4 908 000	85 768 000

Source: MEOU report of 20 May 1997.

[a] Distribution plan figures are wheat flour requirements. The yield ratio (1 flour milled from wheat grain) is estimated at 0.75.

[b] Because annual rains insufficient for complete distribution, governorate warehouses used their own stocks to make up the balance.

[c] Ta'mim. Data refer to persons whose to purchase flour for Sulaymaniyah governorate (shown under Sulaymaniyah). The other staff in Ta'mim receives wheat from Dohuk governorate (it produces 6 per cent of Ta'mim's flour requirement). Dohuk supplies the remaining 94 per cent of Ta'mim's flour requirement (shown under Dohuk).

ANNEX III

Observations under resolution 986 (1995) from 20 March to 30 May 1997

Governorate	Number of observations by geographical observers	Number of observations by sectoral observers[a]	Total
Southern and central:			
Amara	71	157	228
Babil	236	82	318
Baghdad	1 186	216	1 402
Basrah	551	105	656
Dhi Qar	301	59	360
Diyala	351	75	426
Karbala	76	51	127
Maysan	247	52	299
Muthanna	85	40	125
Najaf	58	57	115
Ninevah	89	58	156
Qadisiyah	142	50	192
Salahaddin	189	62	251
Ta'mim	518	26	544
Wasit	115	21	176
TOTAL, southern and central governorates	4 227	1 013	5 280
TOTAL, three northern governorates	43	26 052[b]	26 095
GRAND TOTAL	4 270	27 065	31 375

[a] Observations by international WFP staff.

[b] Sectoral observations in the three northern governorates were made by national staff supervised by three international WFP staff.

DOCUMENT S/1997/432

Report of the Secretary-General on the group of military observers attached to MINUGUA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1094 (1997) of 20 January 1997, by which the Council decided to authorize for a three-month period the attachment to the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) of a group of 155 military observers and requisite medical personnel for the purpose of verification of the Agreement on the Definitive Ceasefire signed at Oslo on 4 December 1996 by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) [see S/1996/1049, annex].

2. By the same resolution, the Security Council requested me to keep the Council fully informed on the implementation of the resolution and to report on the conclusion of the military observer mission.

3. Under the concept of operations envisaged in my report of 17 December 1996 [see S/1996/1049, para. 17] and with the Council's concurrence [see S/1997/30 and S/1997/87], I appointed Brigadier-General Jose B. Rodriguez Rodriguez Ospina as Chief Military Observer of the military observer group, under the overall authority of the Head of Mission.

4. Of the 155 authorized personnel, 132 military observers from Argentina, Australia, Brazil, Canada, Ecuador, Norway, the Russian Federation, Spain, Sweden, Ukraine, the United States of America, Uruguay and Venezuela were deployed to the Mission area. In addition, 13 medical personnel from Austria, Germany and Singapore served in the Mission (see annex I).

II. VERIFICATION REQUIREMENTS

5. The verification requirements arising from the Agreement included verification of the parties' compliance with the ceasefire, separation and concentration of the respective forces and disarmament and demobilization of the former URNG combatants. The military observer group's related activities are described below.

A. *Ceasefire*

6. The Agreement provided that the formal ceasefire would enter into force as of 0000 hours on D-day, that is, the date on which the United Nations military observer group, as the verification authority, was ready to assume its responsibilities. On 13 February 1997, I informed the Security Council [see S/1997/125] that the operation it had mandated could begin on 3 March 1997, following completion of the preparatory work for the deployment of the group and the establishment of the URNG assembly points. Until then, the parties maintained the informal ceasefire that they had observed since 29 March 1996.

7. On D-35 (16 February 1997), URNG provided information (numbers and names) on 1,370 personnel to be demobilized. It also provided an inventory of the weapons employed and notice as to positions and information on the location of remaining minefields. With a view to clarifying duplications and discrepancies in the lists of personnel, additional information was requested by, and provided to, the military observer group by URNG. The Guatemalan Army, for its part, provided the requisite list of units that were to be redeployed to their bases.

8. On D-10 (3 February 1997), members of the military observer group were deployed to the six verification centres (Finca Sacol, Finca Claudia, Finca Las Abejas, Entre Ríos, Tzalbal and Mazatán) responsible for monitoring the eight URNG assembly points. In addition, two sector headquarters and a main headquarters were set up to provide command and control.

B. *Separation and concentration of forces*

9. The separation of forces between the Guatemalan Army and URNG was carried out through the establishment of two concentric areas around each URNG assembly point. Army units were not permitted to enter an inner 6-kilometre-wide "security zone" and police units could only do so after coordinating their movements with the military observer group. In the outer 6-kilometre "coordination zones", both the Army and the police were required to coordinate their movements with the military observer group. In accordance with the Agreement, Army units were required to abandon the security zones by D-10, and units in the coordination zones had to be monitored.

10. The full schedule of Army units' movements was provided to the military observer group on D-10. As a gesture of goodwill, Army units vacated the security zones before D-day. This was duly verified by United Nations military observers.

11. As Army units left the security zones, URNG troops moved to the assembly points according to a plan presented to the military observer group on D+2 (5 March 1997). In order to facilitate control and coordination, as well as to foster confidence between the military observers and the personnel of URNG, the following agreements were concluded with URNG:

(*a*) United Nations military observers would meet the URNG columns three to four days before the planned day of their movement and would live with them until their arrival at the assembly points;

(*b*) The larger columns would be split into groups of not more than 200 former combatants and their dates of departure would be staggered in order to facilitate transportation, security and control;

(*c*) An advance party of URNG personnel would be dispatched to each assembly point three to four days before the

arrival of the first columns in order to provide security and to prepare for the arrival of their colleagues.

17. A total of 75 columns were organized. By D+7 (24 March 1997), all of them had completed their move to the assembly points.

18. It will be recalled that, under the ceasefire agreement, all URNG regular and irregular forces, as well as its command, police, security, intelligence, logistics and medical units, were to be concentrated. However, since the total number of URNG personnel assembled at the eight camps did not exceed 2,928, questions arose with regard to the 642 who appeared to be missing from the 3,570 on whom information had been provided on 15 Oct. para. 7 above). Following a detailed explanation of the discrepancy by URNG and a technical report by the military observer group, the number of personnel present in the camps was eventually deemed acceptable and the concentration was considered completed on 24 March 1997 (see annex II).

19. In order to ensure that non-authorized URNG personnel, government military units or police units were not present in the security and coordination zones, as well as to gain the confidence of the population, the military observer group established an intensive schedule of helicopter and foot patrols.

20. As envisaged by the Agreement, two United Nations military observers were attached to each of the Guatemalan Army units subject to certification throughout the 60-day period.

C. *Disarmament*

21. All former combatants concentrated in the assembly points, their weapons, munitions, explosives, mines and related military equipment were registered and handed over to the United Nations military observers for storage in special containers and explosive dumps (see annexes III and IV). Each container was equipped with two locks, with one key held by the commander of the United Nations certification centre and the other by the URNG official in charge of the assembly point. In accordance with the Agreement, URNG members were allowed to retain their personal weapons until their final demobilization.

22. Transportation of URNG explosives was deemed to pose a significant risk owing to their unknown condition, the location of the caches, the lack of adequate communications and the inherent danger of ground transportation. To diminish these risks, a special agreement was concluded with the Government and URNG to the effect that all mines, grenades and other explosive devices or material would be destroyed in situ.

D. *Mine clearing*

23. Although demining was not foreseen in the Agreement, URNG helped to identify and clear all its minefields, in particular that located on the Tajumulco Volcano (department of San Marcos). The Government and the United Nations military observer group provided the necessary support to the operation. Upon its completion, on 18 April 1997, 378 mines and explosive devices had been lifted and destroyed.

24. While both parties have stated that the country is now free of minefields, the presence of unexploded ordnance (grenades, bombs, mortar rounds) etc.) left around the country in the wake of 36 years of internal conflict still poses a risk to the population in some areas.

E. *Demobilization*

25. The demobilization of URNG was carried out according to the phased approach established in the Agreement. One third of the concentrated former combatants were demobilized every six days, beginning on D+43 (15 April 1997) and ending on D+60 (2 May 1997). On 2 May, a public ceremony was held at the verification centre at Sacol (department of Peten) with the participation of the two parties and representatives of the Governments and organizations that had contributed financially to the demobilization process. Demobilization certificates were issued to each former combatant upon leaving the assembly point.

26. Four shelters were set up at the former assembly point at Tululché I (department of Quiché) and the others at locations in the departments of Quetzaltenango, Retalhuleu and Alta Verapaz to house those URNG former combatants who could not return to their communities. These shelters provide lodging and the infrastructure necessary to carry out vocational training and other reintegration projects. A delay in the preparation of the shelters obliged some URNG personnel to remain at a former verification centre for almost two weeks.

27. Similarly, some demobilized combatants originating from the Ixcán Grande Cooperative (department of Quiché) were forced to return to the assembly points after their presence was rejected by members of their communities. The Logistical Support Commission has assumed the responsibility of providing support to these persons, who have now been relocated to the Tululché I shelter.

28. With the exception of Tululché I, all the verification centres and assembly points have now been dismantled. The equipment and materials will be used by the URNG foundation for the reintegration of former combatants for the completion of the shelters or will be distributed to the communities that had permitted the assembly points to be established on their grounds.

F. *Handover of weapons, munitions, explosives and equipment*

29. On 14 May 1997, URNG weapons, munitions and equipment, as well as the lists of destroyed explosive devices, were delivered to the Ministry of the Interior of Guatemala. The corresponding handover certificate was signed by the Minister concerned, on behalf of the Government of Guatemala, and by the Chief Military Observer, on behalf of the military observer group, as the verification authority. This last act signalled the completion of the mandate of the military observer group.

G. *Violations*

30. Six complaints of alleged violations of the accords were recorded by the military observer group. Of these, five were confirmed. Three of those violations were cases of unauthorized presence in the security and coordination zones, which were deemed to be unintentional and were resolved on the ground, and two were wilful but minor violations of the ban on political propaganda during the concentration of forces. The sixth complaint, which related to three armed attacks on an army post, was fully investigated. It was not possible, however, to determine the origin of the attacks.

H. *Redeployment and repatriation*

31. Repatriation of the members of the United Nations military observer group began on 17 May 1997. A rear party remained at headquarters in the capital until 27 May, when the last United Nations military observers departed Guatemala.

III. OBSERVATIONS

32. The exemplary manner in which the Agreement on the Definitive Ceasefire was implemented is above all a testimony to the determination of both the Government of Guatemala and URNG to put an end to the bitter armed conflict between them. The absence of any major incident during the entire process confirmed what had already been demonstrated by the flawless observance of the informal ceasefire since 19 March 1996, namely, that in addition to their leadership, the combatants on both sides were convinced that the time for military confrontation was over. This conviction is an invaluable asset as the country embarks on the complex process of post-conflict peace-building. The mutual confidence gained in the joint implementation of the ceasefire is no doubt an important political capital that both parties can draw on in the months to come as they face the challenges of reintegration and the task of implementing the other peace accords. The United Nations should remain committed to assisting them and Guatemalan society as a whole, as it did during the negotiations and the initial stage of the implementation phase of the peace process.

33. Credit for the success achieved in the ceasefire process is also due to the international community which, drawing in particular on the knowledge it had acquired during other peace processes, showed its own determination to put its resources and experience at the service of the demobilization of URNG combatants. In doing so, the representatives of the international community have shown an exceptional degree of cooperation with the parties and among themselves. I should like to acknowledge in particular the role of the European Union, USAID, OAS and the United Nations programmes and agencies that took the lead in providing logistical and other support to the demobilization process, as well as that of the many Governments that contributed to this concerted effort. I trust that this achievement can be emulated in future similar situations and that the implementation of other aspects of the Guatemala peace accords will benefit from this experience.

34. Finally, I should like to pay tribute to all the military and civilian personnel who served with distinction in the military observer group, under the command of its Chief Military Observer, Brigadier-General José B. Rodriguez Rodriguez, and to MINUGUA as a whole, under the leadership of the Head of Mission, Mr. Jean Arnault, for the successful completion of their tasks and the significant contribution they have made to the Guatemalan peace process.

ANNEX I

Composition and strength of the military observer group attached to MINUGUA

Country	*Military observers*	*Medical personnel*
Argentina	5	
Australia	1	
Austria		3
Brazil	18	
Canada	15	
Ecuador	3	
Germany		3
Norway	2	
Russian Federation	3	
Singapore		5

Country	*Military observers*	*Medical personnel*
Spain	42[a]	
Sweden	2	
Ukraine	8	
United States of America	5	
Uruguay	20	
Venezuela	8	
TOTAL	132	13
GRAND TOTAL	145	

[a] Not including the Chief Military Observer.

ANNEX II

Demobilized personnel of the *Unidad Revolucionaria Nacional Guatemalteca*

Location	*Organization*	*Number*
Abejas	Organizacion Revolucionaria del Pueblo en Armes (ORPA)	250
Sacol	Fuerzas Armadas Revolucionarias (FAR)	642
Claudia I	FAR	342
Claudia II	ORPA-Partido Guatemalteco de los Trabajadores (PGT)	224
Mavalán	Ejercito Guerrero de los Pobres (EGP)	428
Tzalbal	EGP	499
Tululche I	EGP/PGT	285
Tululche II	EGP	258
TOTAL	URNG	2 928

ANNEX III

Weapons handed over to the United Nations military observer group by members of the *Unidad Revolucionaria Nacional Guatemalteca*

Type of equipment	*Number*
Weapons	
Small arms (includes AK-47s, other assault rifles and light machine-guns)	1 665
Crew-served weapons (includes RPGs, mortars and others)	159
TOTAL	1 824
Munitions	
Small-calibre munitions (up to 12 mm)	534 955
Grenades (includes RPGs, mortars and others)	147
TOTAL	535 102

ANNEX IV

Mines, explosives and other munitions destroyed by members of the *Unidad Revolucionaria Nacional Guatemalteca* and verified by the United Nations military observer group

Type of device	*Number*
Mines	1 390
Munitions (includes aviation bombs, rockets and various kinds of grenades)	934
Explosives	1 720 kg
Explosive cords	380 m
Other explosive devices	3 480

DOCUMENT S/1997/434

Letter dated 5 June 1997 from the representative of the United Kingdom of Great Britain and Northern Ireland to the Secretary-General

[Original: English]
[5 June 1997]

I have the honour to draw to your attention the conclusions of the Ministerial Meeting of the Steering Board of the Peace Implementation Council, which met at Sintra, Portugal, on 30 May 1997.

I would be grateful if you could have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) John WESTON
Permanent Representative
of the United Kingdom of Great Britain
and Northern Ireland to the United Nations

ANNEX

OFFICE OF THE HIGH REPRESENTATIVE

Political Declaration from Ministerial Meeting of the Steering Board of the Peace Implementation Council

Sintra, 30 May 1997

1. The Steering Board of the Peace Implementation Council met in Sintra 30 May 1997, at Foreign Ministerial level, to review progress in the implementation of the Peace Agreement for Bosnia and Herzegovina in light of the conclusions of its meeting in Paris 14 November 1996, and the guidelines from the Peace Implementation Council meeting in London 4-5 December 1996.

2. The Steering Board unequivocally reaffirmed its support and commitment to full implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina.

3. After 44 months of bitter and brutal war, Bosnia and Herzegovina has now had 18 months of emerging peace. Significant progress has been made during 1996 and the first part of 1997 in realizing the goals of the Peace Agreement. However, major problems and challenges remain.

4. In London, the countries of the PIC reaffirmed their willingness to help and assist with the development of Bosnia and Herzegovina, but on the clear condition that all the authorities of the country fulfilled their own binding commitments to move the peace process forward.

5. Having reviewed developments since then, the Steering Board unanimously agreed that all the authorities of Bosnia and Herzegovina are failing to live up fully to their obligations under the Peace Agreement, and that this is unacceptable.

6. The Steering Board wishes to make it clear to the Presidency, the Council of Ministers and the Parliamentary Assembly of Bosnia and Herzegovina, as well as to the Governments and Parliaments of the Federation and the Republika Srpska, that it demands a significant acceleration in their work towards implementing the Peace Agreement.

7. In particular, the Steering Board urges the authorities of Bosnia and Herzegovina and its representatives to stop blaming each other, or the international community, for the problems they encounter, and to work together constructively and in a spirit of reconciliation for their common good.

8. The main responsibility for the future of the country rests with the elected and constitutional representatives of the country. The help they will receive from the international community will be dependent upon the commitment they demonstrate to the Peace Agreement.

Security cooperation and arms control

9. The presence of IFOR and SFOR has brought security to the country and to the region. As the international military presence is gradually scaled down, attention must increasingly focus on long-term security arrangements, both within Bosnia and Herzegovina and in the wider region.

10. The Steering Board confirmed its long-term commitment to the peace process and underlined that the international community will not tolerate a resumption of hostilities by anyone in the country in the future.

11. Security cooperation inside the country is an essential element of security cooperation between Bosnia and Herzegovina and the international community. The Steering Board urged the Presidency of Bosnia and Herzegovina immediately to make operational the Standing Committee on Military Matters. This would facilitate dialogue with the international community on security arrangements within the broader European security structure, for the years to come.

12. Substantial progress has been made in implementing the two stabilization agreements concluded under the auspices of the OSCE. The Steering Board calls on the parties to work with the OSCE to support full implementation of the Confidence and Security Building Measures, including the Open Skies trial and the Military Doctrine Seminar.

13. Although more than 1,800 heavy arms have been reduced under the arms control agreement, more than double that amount must be reduced this year. The Steering Board calls on all parties to redouble their efforts to this effect.

14. The Steering Board noted the Entities' less than full compliance with the agreement. This is unacceptable and will not be tolerated. The Steering Board is greatly concerned by the failure of Republika Srpska fully to implement its commitments to reduction, as well as by the failure of the Federation to produce the required plan for this purpose.

15. The Steering Board remains concerned about the level of armaments and military spending in the country and in the region. High levels of military and military-related spending in the region, including both the Federation and Republika Srpska, impose a heavy burden on the country and divert financial means from economic reconstruction and essential social spending, such as health and education. The Steering Board calls, and will press, for a significant reduction in military expenditure.

16. The Steering Board is deeply concerned that the authorities have yet to provide the Bosnia and Herzegovina De-mining Commission with material and financial support. It should be provided immediately so that the Commission can start to tackle the extensive de-mining task ahead.

United country, in a region of cooperation

17. Bosnia and Herzegovina will remain as a united and sovereign country, consisting of two multi-ethnic Entities. The international community will not tolerate tendencies in either of the Entities, to develop patterns of cooperation with neighbouring countries which are inconsistent with the sovereignty and territorial integrity of Bosnia and Herzegovina.

18. The Steering Board underlined that the international community will not tolerate any attempts at partition, de facto or de jure, by anyone.

19. The Constitution allows for special parallel relationships between the Entities of Bosnia and Herzegovina and neighbouring countries. Agreements establishing such relationships are important for facilitating human and other contacts, as well as for fostering cooperation and integration in the region.

20. Agreements with both the Republic of Croatia and the Federal Republic of Yugoslavia should be rapidly aligned with the Constitution of Bosnia and Herzegovina. The Steering Board noted the commitment of the authorities of the Federation and the Republika Srpska, as well as of the Republic of Croatia and the Federal Republic of Yugoslavia, to do so under the guidance and following the legal advice of the High Representative.

21. The Steering Board took note of the regional approach of the European Union, which offers the prospect of bilateral, contractual relations with the EU to Bosnia and Herzegovina, the Federal Republic of Yugoslavia and the Republic of Croatia, and is also conditional on the establishment of cooperative relations between the countries themselves that are compatible with the Peace Agreement.

22. The Federal Republic of Yugoslavia and Bosnia and Herzegovina must fulfil their commitments immediately to establish unconditional, full diplomatic relations and open embassies in Sarajevo and Belgrade.

Full implementation of the Constitution of Bosnia and Herzegovina

23. Significant progress has been made in the setting up and initial operation of the common state institutions of Bosnia and Herzegovina. The Steering Board is concerned, however, that this has only been possible due to the efforts of the High Representative and his Office.

24. It is imperative that the Presidency, the Council of Ministers, and the Parliamentary Assembly meet regularly, that its members put an end to mutual accusations and that they move forward on the key issues of concern to the citizens of their country.

25. Unilateral actions, such as maintaining administrative or other bodies that are unconstitutional, will not be tolerated. This applies to certain institutions of the former Herceg Bosna as well as of the former Republic of Bosnia-Herzegovina.

26. It is of great significance that the external representation of the country, as well as its flags and symbols, are truly representative of the new constitutional order.

27. Accordingly, the Steering Board expects the Presidency of Bosnia and Herzegovina to appoint or confirm the Ambassadors of Bosnia and Herzegovina by 1 August 1997 at the latest. It requests the High Representative to assist in this process.

28. The Steering Board requests the High Representative to take up the matter with the authorities of Bosnia and Herzegovina and to assist them in reaching an agreement. If the matter is not solved by 1 August 1997, the Steering Board will take further steps upon the recommendation of the High Representative, including to deal only with those ambassadors of Bosnia and Herzegovina who represent the new authorities of the united country.

29. The Steering Board also expects a quick decision on the common flag of Bosnia and Herzegovina. After 1 September 1997, the Steering Board will recommend to all countries and organizations that existing flags and symbols will not be recognized as the flags and symbols of the country unless so decided as laid down in the Constitution.

30. As part of the Quick Start Package, the High Representative, in cooperation with the Council of Europe, has presented a proposal for laws on citizenship and passports based on the Peace Agreement and international practice.

31. The Steering Board calls for the speedy approval of these laws by the Council of Ministers and the Parliamentary Assembly. If the laws are not in place by 1 August 1997, the High Representative should recommend action to the Steering Board.

Cooperation on war crimes

32. Cooperation with the International Criminal Tribunal for former Yugoslavia remains a key part of the process of peace implementation. Although cooperation has improved, the failure to hand over indicted persons remains a matter of grave concern.

33. This applies to Bosnia and Herzegovina, in particular Republika Srpska and parts of the Federation, as well as to the Republic of Croatia and the Federal Republic of Yugoslavia.

34. Of particular concern in this respect is the situation in Republika Srpska, where Mr. Radovan Karadzic continues to influence the political decision-making of the Entity in violation of both the letter and the spirit of previous undertakings.

35. This cannot be accepted. The Steering Board is ready to consider further recommendations from the High Representative on measures which could be taken. It notes the proposal of the High Representative that persons cooperating with, or condoning the role of, indicted persons should be denied visas to travel abroad.

36. The Steering Board supports the High Representative's recommendation in his recent report to the UNSC to deny new economic assistance to those municipalities which continue to tolerate indicted persons working in a public capacity, and will follow this up.

37. The Steering Board is equally concerned with the failure of the Federal Republic of Yugoslavia and the Republic of Croatia to honour their obligations. The presence – either permanent or transitory – of indicted persons on their territory, including a number from Bosnia and Herzegovina, is bound to affect adversely their overall relations with the international community. These countries are also reminded that they are obliged and expected to use their close ties and economic support to help obtain the surrender of indictees, especially in Republika Srpska and the predominantly Croat areas of the Federation.

38. The Steering Board expects the authorities of the Federation and Republika Srpska to implement fully the measures agreed in Rome on 18 February 1996 (the Rules of the Road) by refraining from arresting, or detaining, war crimes suspects except in cases in which ICTY has reviewed the file and found sufficient evidence under international standards.

Uncompleted economic reforms

39. Without fundamental economic reform which moves away from the practice of a bureaucratic, socialist economic system, the economic and social issues of Bosnia and Herzegovina can never be solved and conditions for the return of refugees will remain problematic.

40. The Steering Board welcomes agreements on all key elements of the economic parts of the Quick Start Package, including the Central Bank Law and the Customs and Foreign Trade Laws. It calls on the Presidency and Parliamentary Assembly to approve these decisions speedily.

41. A Donors' Conference for Bosnia and Herzegovina is planned to be held in Brussels on 24 June 1997 at senior official level. The Steering Board urged continued strong international support for humanitarian and inter-Entity infrastructure projects. For this conference to be held as planned Bosnia and Herzegovina has to reach agreement with the International Monetary Fund. In any case, success at the Donors' Conference and the dispersal of pledged funds depend on progress towards fulfilment of the obligations of the Peace Agreement.

42. The Steering Board urged the authorities of the Entities, in particular, to establish a sound legal and political basis for an open and dynamic free market economy.

43. Of particular importance are the speedy adoption by the Entities of sound schemes for privatization, and full respect for the single integrated economic space of the country as laid down in the Constitution. The opening up of the country for trade and contact, across all its borders and in all directions, is essential. The Steering Board demands the immediate and unconditional opening of the full border between Bosnia and Herzegovina and Croatia.

44. The Steering Board asks the High Representative to proceed speedily with the preparation of the second package of essential legislation to be presented to the authorities of the country. This should include legislation on frequency management and telecommunications, airspace management, permanent election law, immigration law and permanent law on customs and customs tariffs. The authorities are urged to adopt the package before the meeting of the Peace Implementation Council in December 1997.

Conditionality for refugee return

45. Refugees and displaced persons have the right to return to their pre-war homes in a peaceful, orderly and phased manner. Unless and until there is a process under way to enable them to do so, there will be continued instability in Bosnia. Although all the authorities have agreed, as part of the Peace Agreement, to support these returns, none have abided by it in practice. International economic aid is conditional upon compliance with, and implementation of, the Peace Agreement.

46. In particular, assistance for housing and local infrastructure should be dependent on the acceptance of return. The international community is prepared to provide resources to those areas which welcome the return of refugees and displaced persons and cooperate actively in integrating them into local communities. Priority will be given to those municipalities receptive to minority returns and UNHCR's "Open Cities" project. The Reconstruction and Refugee Task Force, chaired by the Office of the High Representative, is asked to intensify its coordinating role in this respect.

47. The Steering Board is concerned that Serb refugees must be permitted to return to Drvar. Bosniac authorities need to take concrete steps to facilitate full return to Sarajevo, and Bosniacs and Croats must be able to return to their homes in Brcko, Banja Luka and numerous other cities. All returnees must be allowed to live free of harassment.

48. Of particular importance is the obligation of both the Federation and Republika Srpska to amend existing property laws. The current laws place insurmountable legal barriers in the path of return, effectively blocking hundreds of thousands of pre-war occupants from returning to their homes.

49. The Steering Board calls for the Federation and Republika Srpska to amend their property laws in order to make the full implementation of Annex 7 of the Peace Agreement possible. International support for housing reconstruction should be conditional upon fulfilment of these obligations.

Public security

50. Democratic and restructured police forces are essential for the peace process to succeed. The Steering Board expects both Republika Srpska and the Federation to accelerate the process of restructuring their police forces in line with the principles and plans prepared under the guidance of the UN International Police Task Force. The Steering Board fully supports these principles and plans, and agrees that funding should be sought as proposed at the Dublin Conference. It further agreed to continue efforts to provide the full, authorized ceiling of qualified, experienced monitors to the IPTF.

51. Republika Srpska, in particular, is behind in its commitments to restructuring. The Steering Board insists that Republika Srpska implements immediately a restructuring programme in cooperation with the IPTF and according to the guidelines of the Commissioner.

52. The Steering Board insists that the authorities, in both Entities, comply with the conclusions drawn from the UN IPTF reports related to violent incidents in Mostar, Brcko, Grgori and Drvar.

53. The Steering Board expects the relevant authorities in Bosnia and Herzegovina to take further measures to provide the necessary control and security, based on democratic procedures, to address smuggling, terrorism and crime along its international borders. It calls for cooperation between Bosnia and Herzegovina and its neighbours on these issues.

54. The Steering Board welcomes the additional 120 monitors, authorized by the UNSC, who will significantly assist the investigation of human rights violations. It encourages the IPTF to deploy these monitors to identify individual violators, particularly members of police forces, and to recommend appropriate action.

Human rights

55. The Steering Board is deeply concerned with a pattern of discrimination and harassment of ethnic minorities throughout the country as described in the reports by the Federation Ombudsmen and the Human Rights Coordination Centre of the Office of the High Representative, and with the complacency of responsible authorities in the face of such abuses. The police not only frequently condone violence on ethnic and political grounds, they are often responsible for violations themselves. The legal system remains inadequate to meet this challenge; efforts to ensure adherence to the rule of law must be a priority.

56. The Steering Board demands the governments of Bosnia and Herzegovina, the Federation and Republika Srpska to fulfil their obligations under the Peace Agreement by ensuring full cooperation with the Commission for Real Property Claims and the Commission on Human Rights and providing for effective implementation and enforcement of their decisions.

57. On this matter, the Steering Board asks the High Representative to report to the Peace Implementation Council on compliance with the conclusions of the report submitted to the Florence meeting, and to recommend specific action.

Freedom of movement, trade and communications

58. Freedom of movement throughout Bosnia and Herzegovina is a key provision of the Peace Agreement and the Constitution. No authorities have the right to impede the full freedom of movement of persons, goods, services and capital.

59. The Steering Board fully endorses the IPTF Checkpoint Policy ensuring that no illegal checkpoints impede freedom of movement. It fully supports the determination of the High Representative, the UN-IPTF and Commander SFOR to take the steps necessary to enforce compliance with this policy.

60. Action must be taken to establish a uniform system of car registration throughout the country. After 1 January 1998 only cars with the new number plates, agreed by the authorities of Bosnia and Herzegovina, should be allowed to cross international borders.

61. The telephone systems of the country must be rapidly integrated. The Steering Board expects all authorities to cooperate fully with the efforts and programmes of the European Commission and the European Bank for Reconstruction and Development to this effect. If the authorities do not cooperate fully, the High Representative is asked to recommend appropriate measures to the Steering Board to ensure compliance. As a result of these efforts, integration of the telephone systems will start by 15 July 1997 at the latest.

62. The Steering Board noted that airspace over Bosnia and Herzegovina has been opened to civil air traffic above 33,000 feet. It welcomes the current negotiations with the Federal Republic of Yugoslavia and the Republic of Croatia, under the auspices of Eurocontrol, to apply an appropriate payment mechanism.

63. The Steering Board insists on the need for further progress to be made towards working collectively, and on an equal basis, in the Civil Aviation Authority and opening the regional airports of Mostar, Tuzla and Banja Luka. The Steering Board insists that the authorities of Bosnia and Herzegovina ensure that the Civil Aviation Authority is reconstituted and operational by the end of July. If this action is not undertaken, the Steering Board will recommend that international aviation authorities cease to cooperate with the existing body.

Local elections

64. The Steering Board underlined the importance of the municipal elections to be held 13–14 September1997 and welcomed OSCE initiatives to ensure high standards and comprehensive supervision of the electoral process. That process will not be complete until elected officials have been installed, and to this effect the Steering Board endorses the concept for election implementation agreed between the OSCE Mission and the Office of the High Representative.

65. The Steering Board is deeply concerned with the funding shortfalls for the OSCE Mission and fully supports efforts to meet the requests of the Personal Representative, former Foreign Minister Agnelli. The Steering Board fully endorsed the actions recommended by the Election Appeals Sub-Commission in response to efforts to disrupt or manipulate the voters' registration process.

Media

66. The promotion of independent media is an essential step for developing democratic institutions. It will be of particular importance in preparing the ground for the elections, in enabling wider access to information and promoting political pluralism. The Steering Board therefore stressed the need to encourage independent publishers and broadcasters.

67. It specifically called for governments to support the second stage of development of the Open Broadcast Network as the best prospect for achieving cross-Entity broadcasting and developing a television network under Bosnian Management.

68. The aim is to ensure that, by the end of the year, every sizeable community in every part of Bosnia has access to independent radio or television reporting. The Steering Board calls upon those governments sponsoring the Open Broadcast Network urgently to draw up a plan to this effect, to be coordinated by the Office of the High Representative.

69. The authorities of Bosnia and Herzegovina, the Entities and the common institutions will be expected to give every possible form of practical assistance with respect to licences, frequencies, free access by the High Representative to news media and the ability of the OHR and other independent media to broadcast.

70. The Steering Board is concerned that the media has not done enough to promote freedom of expression and reconciliation. It declared that the High Representative has the right to curtail or suspend any media network or programme whose output is in persistent and blatant contravention of either the spirit or letter of the Peace Agreement.

Brcko supervision

71. The Steering Board received the first report on the situation in the Brcko area from the Deputy High Representative and Supervisor Mr. Robert William Farrand.

72. The announced procedures for return, which should take into account the interests both of those wishing to return and those wishing to remain, were fully endorsed.

73. The Steering Board expressed its deep concern with the failure of Republika Srpska authorities to safeguard the freedom of movement in the area.

74. Republika Srpska is expected to initiate immediately the process of certification of its police in Brcko.

75. The Steering Board stressed that full cooperation with the Supervisor and his decisions, as well as adherence to all parts of the Peace Agreement, is an essential obligation for both of the Entities, and recalled that any final award by the Arbiter would take fully into account the compliance of the authorities.

76. The Steering Board noted that the Brcko Supervisor, in accordance with the Arbitration Award of 14 February 1997, and following free and fair local elections, "should ... issue such regulations and orders as may be appropriate to enhance democratic government and a multi-ethnic administration in the Town of Brcko".

77. The Steering Board noted that the electoral process, beginning with voter registration, will thus create the basis for democratic government and a multi-ethnic administration in Brcko. It is left to the Supervisor to take the necessary measures, based on democratic principles, to ensure that these ends are achieved in the way envisaged by the Award.

78. In order to facilitate the return of refugees and displaced persons to that part of the original Brcko municipality now in Republika Srpska, as well as to safeguard the interests of displaced persons presently in the area, repair of existing housing and infrastructure as well as the construction of new housing is essential. The Steering Board urged this to be taken into account at the Donors' Conference.

79. The Steering Board strongly censured the Federation for its failure to cooperate in the Brcko process, particularly for having blocked economic assistance to Brcko, hindering the return of refugees through its failure to accept agreed procedures, and withholding its support for the electoral process.

Succession negotiations

80. The Steering Board received a report from the Special Negotiator for Succession Issues, Sir Arthur Watts.

81. It noted that a settlement of the numerous succession issues after the break-up of former Yugoslavia is regarded by the international financial institutions to be a prerequisite for the normalization of their relations with the Federal Republic of Yugoslavia. Economic resources which would, directly or indirectly, be released by a settlement of the succession issues would be of great help to all the countries of the region.

82. The international community has, by the appointment by the High Representative of a Special Negotiator, been ready to assist the parties in their collective effort to reach a settlement, and for the time being is willing to continue this assistance.

83. This, however, is meaningful only if the five states concerned are willing to make the substantial compromises necessary to reach an agreement.

84. The Steering Board is concerned that, so far, this has not fully been the case. It urges the states urgently to seek an agreement on outstanding succession issues within the framework put forward by the Special Negotiator, and to agree, as a first and immediate step, upon certain specific action without waiting for an overall settlement to be reached.

Civilian funding shortfalls

85. The Steering Board is concerned with the funding shortfalls for parts of civilian implementation. In particular, this concerns the activities of the Commission for Real Property Claims and the Commission on Human Rights, including the Human Rights Chamber and the Ombudsperson, which are parts of the constitutional structure of Bosnia and Herzegovina.

86. Immediate action is required by the authorities of Bosnia and Herzegovina to provide for the funding of these commissions through the budget of the common institutions of Bosnia and Herzegovina.

87. To enable these commissions to continue their work, the Steering Board will provide and will seek from others supplementary financial assistance for an interim period.

High Representative

88. The Steering Board concluded that the decision in the Peace Agreement to appoint a High Representative, and his decision to establish the Office of the High Representative, have proven essential to the peace process.

89. The Steering Board praised Mr. Carl Bildt for his outstanding performance as High Representative in the period following the signature of the Peace Agreement. Significant progress has been made in the many areas critical to the implementation of the Peace Agreement; none of it would have been possible without the active efforts of the High Representative.

90. The Steering Board nominated Mr. Carlos Westendorp to serve as new High Representative from 20 June 1997. It gives him its wholehearted support and asks the United Nations Security Council to endorse his nomination.

91. The Steering Board urged all the members of the Peace Implementation Council to continue to support the work of the High Representative through the secondment of personnel to his office.

Consolidation period

92. The Steering Board asks the High Representative to supply for its consideration a list of shortcomings or non-compliance by the authorities in Bosnia and Herzegovina in the implementation of the Peace Agreement, and to recommend specific action to be taken by the international community in each case.

93. The Steering Board accepted the invitation to hold the next full meeting of the Peace Implementation Council in Germany on December 1997.

Concluding remark

94. The Steering Board recorded its sincere thanks to the Portuguese government for hosting and facilitating this meeting.

DOCUMENTS S/1997/437 AND ADD.1

Report of the Secretary-General on the United Nations Operation in Cyprus for the period 11 December 1996 to 5 June 1997

DOCUMENT S/1997/437*

[Original: English]
[5 June 1997]

I. INTRODUCTION

1. The present report on the United Nations operation in Cyprus covers developments from 11 December 1996 to 5 June 1997 and brings up to date the record of activities of the United Nations Peacekeeping Force in Cyprus (UNFICYP) pursuant to Security Council resolution 186 (1964) of 4 March 1964 and subsequent Council resolutions, most recently resolution 1092 (1996) of 23 December 1996. I shall report to the Council separately on my mission of good offices.

II. ACTIVITIES OF THE FORCE

A. *Maintenance of the ceasefire and the military status quo*

2. During the period under review, the number of serious incidents decreased compared to the previous six months. Nevertheless, the tension along the ceasefire lines remained higher than in the past.

3. Both sides generally respected the ceasefire and the status quo. On a number of occasions, both sides moved forward into the United Nations buffer zone, especially at locations where they dispute the delineation of the ceasefire line. There were frequent discharges of weapons, but only rarely was UNFICYP clearly able to determine the target or the source of the firing. Stone throwing, pointing of weapons and shouting of abuse occurred between the opposing forces, and in some instances at UNFICYP, in those areas of Nicosia where the two sides are in close proximity to each other. Those incidents, although in themselves rather minor, reflect the tension that continued to exist between the two sides along the ceasefire lines.

4. There were a number of shooting incidents. The most serious were two incidents in the area of Louroujina, southeast of Nicosia. On 27 January 1997, the Turkish forces complained that two rifle shots had been fired at a sentry post. On investigation, UNFICYP found a window broken at the post but did not find the bullets and has not been able to verify the origin of the rounds. In the early-morning hours on 6 February 1997, UNFICYP received a complaint that National Guard intruders had attempted to steal a flag; Turkish Cypriot Security Forces had fired at the intruders, who had withdrawn under covering fire of the National Guard.

* Incorporating document S/1997/437/Corr.1 of 23 June 1997.

UNFICYP investigated the scene of the incident at first light and found some blood on the ground. The National Guard reported hearing shots but denied any involvement in the incident. UNFICYP's investigation was not conclusive.

5. Military construction by both sides continued. Of particular note was the continued strengthening of positions by the National Guard in Nicosia near Nicosia International Airport, in the area of the Nicosia Central Prison and along the ceasefire lines east of the city. The Turkish forces continued construction and improvement of positions along the length of the buffer zone. These activities were protested by UNFICYP, but with little effect. In two areas west of Nicosia, the Turkish forces disputed the delineation of the ceasefire line and interfered from time to time with United Nations patrols in the buffer zone.

6. There were again a number of violations of the airspace of Cyprus. In March and April 1997, there were five reports of overflights by Turkish Air Force aircraft, all of which were protested by the Government of Cyprus. In official public statements in May, the Government of Cyprus announced that Greek military aircraft would not enter Cypriot airspace during the planned "Toxotis" exercise, and the Turkish Government announced that the Turkish forces would reciprocate in their exercises scheduled for this year.

7. As previously reported [*S/1995/1020, paras. 7 and 10*], UNFICYP continued to inspect regularly the underground facilities and park on the Roccas Bastion in Nicosia. There were only minor changes and UNFICYP found no indication that the area is being used for military purposes.

8. UNFICYP continued to monitor the status quo in the fenced area of Varosha. Some buildings continue to be occupied by students. There were again cases of property being removed from buildings; UNFICYP protested these to the Turkish forces. The United Nations holds the Government of Turkey responsible for the maintenance of the status quo in the fenced area of Varosha.

9. On 6 January 1997, the Government of Cyprus announced the purchase of S-300 surface-to-air missile systems. According to official public statements, the missile systems are scheduled to arrive in Cyprus some 16 months after the date of the purchase order, towards the middle of 1998. While the Government emphasized that the missile systems were of a purely defensive nature, the announcement of the purchase drew a strong response from Turkey, including threats to retaliate if the missile systems were deployed. On 10 January, I issued a statement in which, *inter alia*, I recalled that the Security Council, in its resolution 1092 (1996), had expressed grave concern about the excessive levels of military forces and armaments and the rate at which they were being expanded, upgraded and modernized. I also reminded all sides that the Charter of the United Nations forbids the threat or use of force in situations such as this.

10. Last October, UNFICYP presented to the military authorities on both sides specific proposals for the reduction of tension along the ceasefire lines by: *(a)* an extension of the 1989 unmanning agreement to include all areas where the military are in close proximity to each other; *(b)* the prohibition of loaded weapons along the ceasefire lines; and *(c)* the adoption of a code of conduct, based on the concept of use of minimum force and proportionate response. In its resolution 1092 (1996) the Security Council called upon the parties to accept these measures as a package without delay or preconditions.

11. Despite a total of 40 meetings with both sides at the Chief-of-Staff level, progress has not been possible. On some aspects, a convergence of views was achieved between UNFICYP and one or the other side, but no agreement was reached with both sides on the same subject. Although both sides accepted that the above proposals represent an integrated package, they frequently made the submission of their respective comments contingent upon the other side reciprocating. Even though it was repeatedly made clear that each side was dealing separately with UNFICYP as the impartial broker, who would consolidate the comments of both military authorities into an acceptable compromise package for their final agreement, each side continued to insist that they only respond to individual comments of the respective other side. As a result, the process was extremely slow, and only on 26 May did both sides submit detailed comments and suggestions on all elements of UNFICYP's proposals. UNFICYP is continuing its efforts, with a view to eliciting a positive response from both sides to the entire package of proposals as called for by the Security Council.

12. UNFICYP's movement in the northern part of the island continued to be restricted, notably in the Kormakiti area where United Nations personnel were refused access to certain areas and restricted in carrying out humanitarian tasks.

13. There are 39 minefields and booby-trapped areas inside the buffer zone and a further 71 located within 500 metres of it. UNFICYP has requested both sides to assist in confirming the scale of the problem before presenting detailed proposals for the removal of those minefields located within the buffer zone.

B. *Restoration of normal conditions and humanitarian functions*

14. UNFICYP intensified its efforts to promote and facilitate bicommunal events with a view to increasing communication and cooperation between the two communities and building trust and mutual respect. In this regard, UNFICYP is working closely with interested diplomatic missions on the island. The Ledra Palace Hotel in the buffer zone has been the venue of many bicommunal events held under the auspices of UNFICYP, diplomatic missions or on the initiative of non-governmental and professional organizations from both sides. The Turkish Cypriot authorities continued to insist that the attendance by Turkish Cypriots at such events requires specific authorization in each case. Since late January 1997, such authorization has usually been granted for events in the buffer zone and, though less consistently, for events in the southern part of the island.

15. On 19 April 1997, 437 Turkish Cypriots were able to make a pilgrimage to the Hala Sultan Tekke mosque in Larnaca without any restrictions being imposed by the Government. Unfortunately, a reciprocal pilgrimage to the church of Apostolis Andreas by 600 Greek Cypriots, scheduled for Orthodox Easter on 27 April, was cancelled at the last moment by the Greek Cypriot side because the authorities in the north insisted on the deletion of three individuals from the list of participants.

16. On 19 May, a bicommunal concert by two well-known singers from Greece and Turkey was held under the auspices of the United Nations operation in Cyprus at a soccer field in the buffer zone next to the Ledra Palace checkpoints. Some 3,000 Cypriots from both communities attended the concert, which took place in a completely positive and peaceful atmosphere. Greek Cypriots and Turkish Cypriots mixed readily, singing and dancing together and exchanging flowers and addresses. Police from both sides were particularly effective in providing security for the concert.

17. The concert generated a great deal of debate about bicommunal contacts, which certain Greek Cypriot groups opposed on the grounds that Turkish troops were still on the island. A demonstration on 19 May in Nicosia in protest against the bicommunal concert was organized by the Cyprus Motorcyclist Federation and the Pan-Cyprian Anti-occupation Movement and resulted in violent clashes with the police.

18. Demonstrations by Greek Cypriots continued at the Ledra Palace checkpoint in Nicosia with the purpose of dissuading tourists from crossing to the northern part of the island. These demonstrations discouraged some tourists and at times impeded the movement of United Nations and diplomatic personnel. UNFICYP repeatedly called upon the Government to take the necessary measures to ensure that movement through the checkpoint is not impeded or deterred. In contrast, the restrictions imposed in response by the Turkish Cypriots were lifted in late January (see para. 15 above).

19. UNFICYP continued to carry out humanitarian tasks in respect of Greek Cypriots and Maronites in the northern part of the island and Turkish Cypriots in the southern part. There are now 479 Greek Cypriots in the Karpass area and 187 Maronites in the Kormakiti area. There are some 343 Turkish Cypriots known to UNFICYP in the southern part of the island. The living conditions of the Greek Cypriots and Maronites residing in the northern part of the island have changed little from those reported previously [*see S/1996/411, paras. 22-23 and S/1996/1016, paras. 21-22*]. Of the recommendations arising from the humanitarian review UNFICYP undertook in 1995 [*S/1995/1020, paras. 20-25 and annexes*], the Turkish Cypriot authorities have maintained improvements in terms of relaxation of restrictions on the freedom of movement of the Greek Cypriots and Maronites introduced in early 1996. But the other recommendations have not been implemented. UNFICYP continues to seek full implementation of the recommendations. UNFICYP's humanitarian work continued to be impeded by the presence of police officials whenever UNFICYP humanitarian officers were interviewing Greek Cypriots in the Karpas area.

20. The aftermath of the intercommunal violence of last summer continued to have an adverse effect upon the Turkish Cypriots working in the southern part of the island or in the buffer zone in the mixed village of Pyla. Unemployment for these Turkish Cypriots remained very high. The Government is paying unemployment benefits and measures have been taken to extend payments beyond the normal limit. Projects are being explored with the assistance of the Office of the United Nations High Commissioner for Refugees (UNHCR) to improve the physical amenities in Pyla and create opportunities for work for otherwise unemployed Turkish Cypriot residents there.

III. Economic and social activities of the United Nations system

21. UNFICYP continued to act as the intermediary between the two communities and to facilitate cooperation in such areas as the equitable distribution of water and electricity. The water resources on the island are very limited and UNFICYP strives to ensure effective cooperation between the two communities in order to prevent shortages.

22. UNHCR continued to administer a humanitarian programme funded by a voluntary contribution from a Member State. The main areas of cooperation were in sanitation, health, environment, agriculture, veterinary science, rehabilitation of culturally important sites and the Nicosia Master Plan. Regular bicommunal meetings on these matters were held at the UNHCR offices.

23. After a thorough independent review of the programme, UNHCR has decided to terminate its participation in this activity at the end of 1997. It will retain its office in Cyprus to continue implementation of its mandated responsibilities for the protection of refugees and asylum-seekers.

IV. Committee on missing persons

24. In his last report to the Security Council [*S/1996/1016, para. 27*], my predecessor mentioned that, despite the substantial work carried out by both sides, no agreement had been reached on the four points contained in his letters to the leaders of the two communities dated 4 April 1996. On 4 December 1996, he addressed a second letter to the two Cypriot leaders, reaffirming the necessity for the two sides to agree on the four specific points as an indication of their determination to make expeditious progress before initiating the procedure to appoint a new third member. In his second letter, Secretary-General Boutros Boutros-Ghali requested the two leaders to agree urgently on the implementation of five specific measures related to the above-mentioned four points.

25. After a careful review of the issues of the missing persons in Cyprus, I share entirely the views of my predecessor contained in his two aforementioned letters and emphasize that it is of the utmost importance to preserve the suggested approach. I urge the leaders of the two communities to comply with the five specific measures contained in the former Secretary-General's letter dated 4 December 1996.

V. Organizational matters

26. As of June 1997, UNFICYP comprised 1,173 troops and 35 civilian police. The military personnel were from Argentina (396), Austria (315), Canada (2), Finland (3), Hungary (39), Ireland (32) and the United Kingdom of Great Britain and Northern Ireland (388). The police were from Australia (20) and Ireland (15). In addition, UNFICYP had a civilian complement of 335, of whom 40 were recruited internationally, and 295 locally. The deployment of the Force is shown on the map at the end of the present volume.

27. In view of the experience gained during the events of August 1996 and the subsequent prolonged state of alert, I have requested the contributors of infantry units to increase their strength by a total of 63 personnel all ranks, bringing UNFICYP's strength to its authorized level.

28. Mr. Han Sung-Joo requested that his appointment as my Special Representative for Cyprus not be extended beyond its expiration in April 1997. I have appointed Mr. Diego Cordovez as my Special Adviser with effect from 28 April 1997 to prepare and assist me in chairing the next rounds of inter-communal talks. Mr. Gustave Feissel continued as Deputy Special Representative and Chief of Mission of the United Nations operation in Cyprus. Brigadier General Ahti T. P. Vartiainen completed his tour of duty as Force Commander and has been succeeded by Major-General Evergisto A. de Vergara with effect from 28 February 1997.

Financial aspects

29. The proposed budget for the maintenance of the United Nations Peacekeeping Force in Cyprus for the period from 1 July 1997 to 30 June 1998 is currently under consideration by the General Assembly. The cost of maintaining the Force for the 12-month period is estimated at $50,320,400 gross.* That amount is inclusive of the pledged voluntary contributions of one third of the cost of the Force from the Government of Cyprus and of the $6.5 million contributed annually from the Government of Greece. Therefore, should the Security Council decide to extend the mandate of UNFICYP beyond 30 June 1997, the cost of maintaining the Force will be limited to the amount indicated above.

30. As of 13 May 1997, the total outstanding assessed contributions to the UNFICYP special account amounted to $13,326,013, representing some 15 per cent of the assessment for the mission since 16 June 1993. The outstanding assessed contributions for all peacekeeping operations amounted to $1.6 billion.

VI. OBSERVATIONS

31. During the last six months the situation in Cyprus has been much calmer than in the preceding period. However, there were numerous indications of continuing tension between the two sides.

32. Regrettably, there has been no change in the excessive levels of military forces and armaments in Cyprus and the rate at which they are being expanded, upgraded and modernized. Nor have the military authorities accepted the package of reciprocal measures proposed by UNFICYP to reduce tension along the ceasefire lines. These are simple practical measures that would not affect the status or delineation of the ceasefire lines, nor would they impair the security of either side. Agreement on these proposals would significantly improve the atmosphere and reduce the potential for violations of the ceasefire and the heightening of tension, which inevitably follows. I strongly urge both sides to reconsider their positions and cooperate with UNFICYP to reach an agreement on this package without further delay.

33. UNFICYP intensified its efforts to improve the overall atmosphere through bicommunal activities, which help to overcome misperceptions and anxieties between the two communities. For direct contacts between members of the two communities to take place, the support of UNFICYP or diplomatic missions is still essential. It would be desirable if such contacts could take place without formality and on a regular basis. From time to time, those who promote or participate in bicommunal events encounter pressure and even threats within their own community, making their efforts all the more admirable. I urge the two leaders to send clear messages of tolerance and reconciliation to their publics and to facilitate and encourage direct contacts between the two communities.

34. I believe that UNFICYP's presence on the island remains indispensable in order to maintain the ceasefire between the two sides, which is a prerequisite for achieving the settlement sought by the Security Council. Therefore, I recommend that the Council extend the mandate of the Force for a further period of six months until 31 December 1997. In accordance with established practice, I am consulting the parties concerned on the matter and shall report to the Council as soon as these consultations have been completed.

35. With regard to my mission of good offices, my representatives have in recent months engaged in a process of intensive consultations, with a view to preparing the ground for direct talks between the leaders of the two communities. I shall inform the Security Council separately on the preparations for those talks.

36. I take this opportunity to express my appreciation to the Governments contributing troops and civilian police to UNFICYP for the steadfast support they have given to this peacekeeping operation of the United Nations. I also wish to thank the Governments that have made voluntary contributions towards the financing of the Force.

37. In conclusion, I wish to express my warm appreciation to Mr. Han Sung-Joo, my former Special Representative, for his dedicated work in the last 12 months. I also wish to pay tribute to Mr. Gustave Feissel, the Deputy Special Representative and Chief of Mission; Brigadier General Ahti T. P. Vartiainen, the former Force Commander, to Major-General Evergisto A. de Vergara, his successor, and to the men and women serving with UNFICYP for the efficiency and dedication with which they have discharged the responsibilities entrusted to them by the Security Council.

DOCUMENT S/1997/437/ADD.1

[Original: English]
12 June 1997

In paragraph 34 of my report of 5 June 1997 [S/1997/437], I recommended that the Security Council extend the mandate of the United Nations Peacekeeping Force in Cyprus (UNFICYP) for a further period of six months, and I indicated that I would report to the Council on my consultations with the parties concerned on the matter. I wish to inform the Council that the Government of Cyprus as well as the Governments of Greece and the United Kingdom of Great Britain and Northern Ireland have indicated their concurrence with the proposed extension. The Government of Turkey has indicated that it concurs with and supports the position of the Turkish Cypriot side, as expressed in previous meetings of the Council on the extension of the mandate of UNFICYP.

DOCUMENTS S/1997/438 AND ADD.1

Progress report of the Secretary-General on the United Nations Angola Verification Mission (UNAVEM III)

DOCUMENT S/1997/438

[Original: English]
[3 June 1997]

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 6 of Security Council resolution 1106 (1997) of 16 April 1997, by which the Council, *inter alia*, requested me to report by 6 June 1997 on my recommendations regarding the structure, specific goals and cost implications of an observer mission in Angola that would succeed UNAVEM III. It also covers major developments since my last report dated 14 April 1997 (*S/1997/364*).

II. POLITICAL ASPECTS

2. Following my visit to Angola, from 22 to 25 March 1997, the peace process in the country showed significant progress. The establishment of the Government of Unity and National Reconciliation on 11 April, the return of the deputies of the União Nacional para a Independência Total de Angola (UNITA) to the National Assembly and the enactment into law of the special status of the President of UNITA were among the measures that contributed to the advancement of the peace process. The Council of Ministers of the Government of Unity and National Reconciliation held its first meeting on 18 April to discuss its programme, while the National Assembly convened a plenary session on 22 April and elected several UNITA members and other deputies to posts in various commissions of Parliament.

3. After the adoption of Security Council resolution 1106 (1997), my Special Representative, Mr. Alioune Blondin Beye, in close collaboration with the representatives of the Government and UNITA and the three observer States (Portugal, the Russian Federation and the United States of America), prepared a list of priority tasks that remain to be completed in accordance with the provisions of the Lusaka Protocol. On the military side, these include the selection of UNITA members for incorporation into the Angolan National Police, the incorporation of selected UNITA military personnel into the Angolan Armed Forces (FAA), provision of information on the strength of Mr. Jonas Savimbi's security detachment and the demobilization and disarmament of the civilian population. The political aspects include the normalization of State administration throughout the entire country, submission by UNITA of the list of its members to be appointed to posts in the local administration, regularization of the status of the UNITA radio station, legalization of UNITA as a political party and the convening of a meeting in Angola between President José Eduardo dos Santos and Mr. Savimbi. On the basis of this list of priority tasks, the Joint Commission adopted an updated implementation timetable on 23 April 1997.

4. At its meeting on 24 April 1997, the Central Intersectoral Operation Group, chaired by the Minister for Territorial Administration, decided to begin the process of the extension of State administration with M'banza Congo (Zaire province), the only provincial capital that had remained under UNITA control. On 30 April, the Governor and other provincial authorities were inducted in a ceremony that was attended by a number of Government ministers and by representatives of UNAVEM III and the three observer States. The Provincial Intersectoral Operation Group was also established and has drawn up plans for the normalization process in all areas in the province controlled by UNITA. After a relatively smooth start, the exercise encountered delays, and it has become obvious that the extension process throughout the country will face serious logistical and psychological problems. I am hopeful that the implementation of various rehabilitation projects within the framework of the Community Development Programme presented to donors at the September 1995 Round Table Conference in Brussels will contribute to overcoming these difficulties. At the same time, the issue of national symbols—the flag and national anthem—is still a very sensitive one in many areas previously controlled by UNITA. On 30 May 1997, high-ranking government and UNITA officials who had arrived from Luanda to participate in a normalization ceremony in the central region were attacked by a local UNITA crowd in what appeared to be an organized protest. The initial steps towards the extension of State administration have also confirmed that the good offices and mediation of the United Nations will continue to be required, especially at the local level, to overcome the persisting political divisions and mistrust.

5. In the meantime, the Government and UNITA have recently agreed on a timetable to extend the State administration structures to municipalities in Benguela, Huambo and Kwanza Sul provinces. However, after a temporary suspension by UNITA, the process resumed in earnest only on 26 May, after strong protest by the Government at the delays.

6. Consultations are currently proceeding on the transformation of UNITA into a national political party. To complete that process, UNITA would be expected to comply with legislation governing the legalization of political parties. In accordance with the provisions of the Lusaka Protocol, UNITA must also complete its demilitarization and lift checkpoints and dismantle other military structures it continues to maintain in some parts of Angola.

7. The long-standing issue of the transformation of the UNITA radio station into a non-partisan broadcasting facility has not yet been fully resolved. Although agreement has been reached on the name and other particulars of the station, the question of the allocation of frequencies is still under discussion.

III. MILITARY ASPECTS

8. The overall military situation in the country has remained calm, although recent developments in the Democratic Republic of the Congo have contributed to a worri-

some rise in tension in the northern provinces of Angola. The Government continued to reinforce its troops in Lunda Norte and Lunda Sul provinces, ostensibly to control the flow of armed elements infiltrating Angola from across the border and to prevent an influx of refugees. On 26 May, the Angolan Minister of the Interior stated that soldiers of the former Zairian regime, together with armed UNITA elements, were also entering Angolan territory in the provinces of Uige, Malange and Cabinda. UNITA, for its part, accused the Government of attempting to take over by force some of the areas previously controlled by UNITA.

9. UNITA also claimed that in the western part of Lunda Norte, around Cafunfo, the FAA were massing troops, thus compelling UNITA to strengthen its positions by withdrawing approximately 100 soldiers from the Muchinda selection and demobilization centre. Although UNAVEM III conducted an investigation, a number of allegations could not be confirmed. The situation in the eastern part of the province was more grave. There were apparently serious clashes resulting in casualties near Andrada, where the FAA has reportedly taken over a number of UNITA-held localities. In both regions, the freedom of movement of UNAVEM III military and police observers was temporarily restricted. My Special Representative took up these issues with President dos Santos and Mr. Savimbi, both of whom promised to cooperate with UNAVEM III in defusing the tensions. The President also promised to authorize staff of the Office of the United Nations High Commissioner for Refugees (UNHCR) to gain access to refugees and displaced persons from Angola who are currently stranded on the Democratic Republic of the Congo side of the border.

10. In the meantime, the unsettled security situation persisted in other parts of the country, in particular in Benguela and Huila provinces, where villages and individuals continued to be attacked by various armed elements, including members of the Government Civil Defence Corps. On 19 May, a corporal from the Brazilian battalion was killed and another injured in an apparent act of banditry while escorting a civilian convoy. Although the national police have apprehended one of the perpetrators, I call on both the Government and UNITA to cooperate fully with the investigation of this case. The prevailing insecurity in the countryside is also adversely affecting the activities of international humanitarian personnel.

11. The demobilization of ex-UNITA personnel (see paras. 23-25 below) and their selection for the FAA has been proceeding, albeit at a rather slow pace. In May, the Government delegation to the Joint Commission accused UNITA of continuing to maintain armed personnel in some parts of the country, as well as of deliberately delaying the incorporation of ex-combatants into the national army. During the reporting period, only a small number of UNITA police personnel were quartered, bringing the total number of UNITA armed and unarmed personnel registered in all selection and demobilization centres to 71,055 as at 1 June 1997. However, the number of deserters and absentees exceeded 35 per cent of all the personnel quartered. In the meantime, the number of UNITA troops incorporated into the FAA reached 10,700 personnel, which is far short of the expected 26,300 troops, but the Government and UNITA, and subsequently the Joint Commission, agreed to conclude formally the selection process by 31 May since no more volunteers were coming forward.

12. In April, UNITA declared that all its command posts had been dismantled and provided UNAVEM III with lists of its communications equipment, but categorically declined to hand over that equipment to UNAVEM as required by the Lusaka Protocol. While UNAVEM is verifying the validity of these claims, it should be noted that, despite repeated assurances, UNITA has so far failed to provide information about the strength of and weapons in the possession of Mr. Savimbi's security guard. At the same time, the number of illegal checkpoints maintained by the Government and UNITA has slightly increased, still impeding the free circulation of people and goods.

13. UNAVEM military formed units and military observers have been actively involved in all aspects of the peace process mentioned above, verifying the status of the ceasefire, providing good offices and defusing tensions, enhancing confidence-building, escorting civilian convoys and performing engineering and other essential tasks.

14. As at 1 June 1997, the strength of the military component of UNAVEM III, including the military observers and staff officers, stood at 4,700 personnel, down from the peak level of over 7,000 military personnel in 1995 (see annex). While the withdrawal of the formed military units has generally proceeded as planned, the pace of the drawdown had to be adjusted several times to reflect the developments on the ground and, in particular, delays in the extension of State administration and actual closure of the selection and demobilization centres.

15. As members of the Security Council are aware, the timetable for the demobilization of ex-UNITA troops has again been reviewed by the Humanitarian Assistance Coordination Unit, and it is now envisaged that the selection and demobilization centres in the eastern and south-eastern regions will be closed only by the end of August 1997. Since United Nations troops are expected to provide protection and support to the quartering areas until their formal closure, this would mean that these troops would be able to begin their repatriation movement only in early September. Since all UNAVEM III infantry companies that form the rapid reaction force will be withdrawn in August, I recommend that two reduced infantry battalions be retained in Angola until September in order to protect the last four selection and demobilization centres at Andulo, Lumeje, Chitembo and Licua. Accordingly, the newly revised drawdown plans provide for the repatriation of an additional 900 military personnel in June, 500 military personnel in July and 2,000 troops in August. The remaining 800 troops would leave before the end of September 1997.

IV. POLICE AND HUMAN RIGHTS ASPECTS

16. The civilian police component of UNAVEM III continued to verify the quartering and to monitor the activities of the rapid reaction police, whose total number was 5,450 as at 1 June. Civilian police officers also continued to monitor the neutrality of the Angolan National Police and matters related to security arrangements for UNITA leaders. Since

my last report, the civilian police have investigated a considerable number of individual cases involving allegations of abuse by the national police as well as allegations of human rights abuses. The civilian police component of UNAVEM III is also assuming an increasingly active role in support of the normalization of State administration.

17. While 212 bodyguards for UNITA leaders have completed their training, only 524 UNITA elements have been selected for incorporation into the Angolan National Police and the rapid reaction police, 442 of whom have actually joined the national police. Although the Government has downgraded the selection criteria for service in the Angolan National Police rapid reaction police, the Joint Commission, with the agreement of the two parties, decided recently to conclude the selection of ex-UNITA combatants for service in the national police.

18. The Government programme for the disarmament of the civilian population has entered into the second phase of implementation, but shows little tangible progress. There is an urgent need to strengthen and enhance this aspect of the peace process, especially in the light of the progress achieved in the extension of the State administration. It would be important for the Government to intensify the disarmament awareness campaign in order to encourage voluntary surrender of weapons by the civilian population and to introduce material and financial incentives. Moreover, measures must be taken to disarm members of the Civil Defence Corps, whose activities, in particular in Benguela and Huila provinces, often contribute to undermining stability.

19. A small unit of United Nations observers continues to monitor the human rights situation in Luanda and several key provinces, focusing primarily on training and civic education projects. In order to consolidate the rule of law and to ensure the protection of human rights throughout the country, a well-coordinated nationwide programme is required, together with necessary resources. Such a programme should target, among other things, the restructuring of the judicial and penal systems, and the updating of existing legislation, including criminal and civil codes. Such a long-term project would obviously require additional international assistance. In this connection, I would like once again to commend the European Union for the valuable assistance it has provided to human rights activities in Angola. In the meantime, the special ad hoc group set up by the Government and UNITA within the framework of the Joint Commission has held eight meetings, at which approximately 60 cases of alleged individual human rights abuses were considered. Specific recommendations were made in 37 of these cases, and investigation of the remainder is ongoing. While the Joint Commission intends to hold soon another extraordinary session devoted to the issue of human rights, it is also envisaged that, with the assistance of UNAVEM, the fifth regional seminar on a wide range of human rights issues will be convened in the near future.

V. HUMANITARIAN ASPECTS

A. *Relief and rehabilitation*

20. During the reporting period, the United Nations and other humanitarian agencies and programmes have been closely monitoring the dramatic situation in the Democratic Republic of the Congo and preparing for an anticipated influx of refugees into Angola. While the Government of Angola has attempted to prevent this influx, several thousand refugees managed to cross the border in the area of Dundo (Lunda Norte province), but were turned back. In the meantime, UNITA representatives have confirmed to UNHCR representatives that approximately 1,000 refugees have entered Lunda Norte province in a different area; it appears that many refugees are heading to UNITA-controlled territory, and the Government alleges that there are many armed elements among them. A joint assessment team comprised of representatives of UNHCR, the United Nations Humanitarian Assistance Coordination Unit, the United Nations Children's Fund (UNICEF) and the World Food Programme (WFP) has requested permission to cross the border to assess the refugee situation in areas adjacent to the Democratic Republic of the Congo, and the Government of Angola has confirmed to Mr. Beye its readiness to facilitate the provision of cross-border humanitarian assistance. The Government also indicated to the United Nations that it would prefer the organized repatriation of refugees from areas formerly controlled by UNITA after the extension of State administration to these areas. It is obvious that agreed, mutually acceptable procedures are needed to deal with this important problem, which could have long-term repercussions for the already tense situation in the northern provinces of Angola.

21. There have also been a limited number of organized resettlements of internally displaced persons, although some planned movements, in particular in Bengo and Huila provinces, are currently in progress. In the meantime, spontaneous movements of internally displaced persons have been registered in some parts of the country as a result of improvement in the security situation. The coordination group for internally displaced persons established in Luanda, which includes representatives of the Government, the United Nations and non-governmental organizations, has resumed its regular meetings to coordinate the activities of the provincial groups for internally displaced persons and to develop resettlement plans. With the planned completion of the demobilization process, an increase in spontaneous movement throughout Angola of an estimated 1 million internally displaced persons is anticipated.

22. A Food and Agriculture Organization of the United Nations (FAO)/WFP crop assessment mission visited Angola from 28 April to 12 May to evaluate the 1996/97 planting season. Preliminary findings indicate that cereal production in 1997 will be lower than that of the previous year, necessitating a continuation of the present level of food assistance. By all indications, the projected number of people in Angola requiring substantial humanitarian assistance will essentially remain the same.

B. *Demobilization*

23. There have been advances in the demobilization of ex-UNITA combatants during the reporting period. The rapid demobilization programme commenced on 14 April 1997 following approval by the Joint Commission of the special plan, which envisages the demobilization of all excess UNITA combatants currently being accommodated

in 15 selection and demobilization centres and 7 centres for the war-disabled. The exercise commenced in the central and southern regions and will be extended to other areas of Angola in the next few weeks. Efforts have been made to ensure that the demobilization, which is envisaged to be completed by the end of August 1997 (with an additional one-month contingency period), is synchronized as closely as possible with the withdrawal of UNAVEM III troops (see para. 15 above). As at 1 June, a total of 10,321 former UNITA combatants of various categories had been formally demobilized throughout the country.

24. Notwithstanding the complexity of the project, the demobilization process has been proceeding relatively smoothly. However, disruptions to moving the ex-combatants from the selection and demobilization centres took place in April and May as a result of interference of local UNITA officials. This interference took the form of the obstruction of the movement of the International Organization for Migration (IOM) convoys, demands for last-minute route and schedule changes, and even the hijacking on 4 May of an IOM convoy in Kwanza Sul province. In the meantime, a separate timetable is now being formulated for the demobilization of excess FAA troops.

25. Effective demobilization is essential to the overall success of the peace process in Angola and to related United Nations activities in this regard. I am encouraged that as at 1 June 1997, over 23,000 demobilized soldiers and their dependants had been transported to their areas of origin or choice and provided with basic medical care and multi-purpose reintegration kits. However, the continued success of this important exercise has been jeopardized by a lack of sufficient funding for IOM activities, which are an essential element of the United Nations consolidated appeal for Angola. In a letter dated 16 May 1997, I appealed to donors urgently to provide the necessary funding in order to maintain the momentum of the demobilization process, at least over the next few months. In addition, funds are critically important for the provision of food to people in selection and demobilization centres and for other relevant humanitarian activities being administered by the United Nations Humanitarian Assistance Coordination Unit.

C. *Demining*

26. Over the last two years, UNAVEM III military engineering units and a United Nations contracted company have cleared mines over 9,000 kilometres of roads, which greatly improved the ability of the Angolan population, UNAVEM III personnel and staff of humanitarian relief organizations to move freely throughout the country. UNAVEM also established a Mine Clearance Training Centre, where some 350 Angolan nationals received instruction and were subsequently formed into seven demining brigades. Administration of the Centre has now been transferred to the Angolan authorities, while responsibility for logistical support is being transferred to the Department of Humanitarian Affairs of the Secretariat, the United Nations Development Programme (UNDP) and the United Nations Office for Project Services. It is expected that the Department of Humanitarian Affairs will continue to provide funds and overall technical supervision for this programme. However, owing to delays in the establishment of the UNDP/United Nations Office for Project Services support structure, UNAVEM III has been requested to provide assistance to the project on a reimbursable basis for an additional period of up to four months. This support will also involve the continued use of UNAVEM III air evacuation and medical facilities for international staff.

27. I wish to acknowledge the excellent work several international non-governmental organizations in Angola are conducting in the field of demining, either unilaterally or under the auspices of the United Nations. Their activities have contributed significantly to alleviating the suffering of the Angolan people, and it is my sincere hope that they will carry on this noble endeavour.

VI. SOCIO-ECONOMIC ASPECTS

28. Following the adoption of the 1997 Economic and Social Programme, the Government made arrangements to pay wages and salaries which had been withheld for more than four months. This measure was aimed, among other things, at ending schoolteachers' strikes in Luanda and several provinces. After rising to a rather high monthly rate of 8 per cent in January 1997, inflation has begun to show a significant downward trend and, for the first time in several years, the rate was negative in March. However, this generally positive trend was partly due to non-payment of salaries.

29. During the past two months, foreign exchange rates have remained relatively stable, with some upward movement in mid-May of parallel rate. The normalization of State administration in the provinces may entail additional Government spending. This has already resulted in recent adjustments to the State budget, and may also involve extrabudgetary expenditures, particularly for military operations.

30. An International Monetary Fund (IMF) mission was in Luanda in early June to carry out annual consultations and continue efforts to get an IMF-assisted, long overdue structural adjustment programme under way. In the meantime, it is expected that a special programme to help strengthen the national capacity for economic management will be launched by July 1997.

31. At the same time, consultations have been initiated among the Government, UNDP, and the Department of Humanitarian Affairs/United Nations Humanitarian Assistance Coordination Unit on the transitional arrangements from provision of humanitarian assistance to rehabilitation and development programmes. This transition will focus on strengthening the national capacity for coordination of humanitarian operations and integration of humanitarian requirements into national development programmes. With the formation of the Government of Unity and National Reconciliation, the Government has begun to focus its attention on non-oil sectors of the economy, in particular those related to exploration of other natural resources. Discussions have been initiated with some international private companies to identify possible additional areas of collaboration. These welcome developments will no doubt result in the creation of jobs and generation of income which is particularly important in the present economic environment in Angola.

VII. Proposed United Nations Observer Mission in Angola

32. In my report of 7 February 1997 [*S/1997/115*], I presented to the Security Council comprehensive proposals regarding the mandate, goals and structure of a possible United Nations follow-on mission in Angola. These recommendations are still valid, although the delays observed in the fulfilment of certain aspects of the Lusaka Protocol [*S/1994/1441*] will require the new mission to undertake additional responsibilities in order to facilitate the implementation of those tasks which have been only partially accomplished. In addition to these important responsibilities, the overall mandate of the follow-on mission would be to assist the Angolan parties in consolidating peace and national reconciliation, enhancing confidence-building and creating an environment conducive to long-term stability, democratic development and rehabilitation of the country.

33. In formulating the concept of operations of the follow-on mission, special consideration should be given to the need to bridge the deep political, psychological and even regional divisions in the country, and to foster mutual trust which has been severely undermined by one of the longest-running conflicts in Africa. Achieving these goals would obviously require patience, perseverance and readiness to lead the peace process to a successful conclusion, not only on the part of the Government and UNITA, but also of the international community, so as to establish a solid foundation for peace in Angola. As indicated in section VII.B below, I have once again reviewed the requirements for the new mission in order to make it as cost-effective as possible, while ensuring that it is endowed with the necessary human and material resources.

A. *Main objectives and mandate of the mission*

1. *Political aspects*

34. The experience of the United Nations involvement in Angola and the progress achieved so far in the peace process have clearly demonstrated the vital role played by the United Nations and the three Observer States in promoting the resolution of this deeply rooted conflict. With the participation of UNITA in various Government institutions and civil society in general, this leading role remains particularly important in overcoming difficulties facing national reconciliation. This aspect of the ongoing peace process was again clearly underscored during the recent incidents in the northern provinces of Angola (see para. 9 above), and by the tensions associated with the normalization of State administration. Having the above in mind, I recommend that my Special Representative continue to play a strong role in the peace process and to chair the Joint Commission, which has proved to be a vital conflict resolution and implementation mechanism. A continued United Nations public information capacity would also be essential for the promotion of political tolerance and national reconciliation.

35. A strengthened Division of Political Affairs would assist the Special Representative in implementing the political mandate of the mission. Among other tasks, the Division would monitor the normalization of State administration throughout the country, provide good offices and mediation at the provincial and local levels and participate in the official organs established for that purpose. It would also monitor and verify the integration of UNITA elements into State structures, as provided for in the Lusaka Protocol and subsequent agreements between the Government and UNITA, and assist in the resolution and management of conflicts which may arise. In coordination with other components, the Political Division would also promote a climate of confidence and national accord by establishing a presence in major population areas and areas of tension.

2. *Police matters*

36. With the withdrawal of United Nations military personnel and the gradual normalization of State administration over the entire Angolan territory, the civilian police component would assume new and expanded responsibilities. It would continue to verify the neutrality of the Angolan National Police, the incorporation of UNITA personnel into the national police, the quartering and occasional deployment of the rapid reaction police, as well as the free circulation of people and goods. With the transformation of UNITA into a political party and the extension of activities of the Popular Movement for the Liberation of Angola (MPLA) and other political parties throughout the country, special attention should be given to respect for civil and political rights and freedoms. With a view to generating confidence among the population, the civilian police would be called on to carry out joint patrols with the Angolan National Police, especially in areas formerly controlled by UNITA, to inspect prisons and, if need be, to establish its temporary presence at national police posts and stations.

37. The Mission's civilian police unit would continue to monitor and verify the collection of weapons recovered from the civilian population, supervise proper storage or destruction of these weapons and oversee security arrangements for UNITA leaders. With the extension of State administration, the Government police presence will eventually increase in areas formerly controlled by UNITA, which will necessitate the establishment of additional civilian police team sites and reinforcement of the present strength of the police observers.

3. *Human rights issues*

38. As members of the Security Council are aware, both the Government and UNITA would welcome an enhanced presence of human rights observers and related United Nations activities. Such a presence would contribute to the promotion of human rights and prevention of their abuse in the country. These activities would be aimed at developing the capacity of national institutions and other non-governmental organizations in the field of human rights to investigate violations and to initiate appropriate action, including through mechanisms already established for this purpose. On several occasions in the past, the Government and UNITA, within the framework of the Joint Commission, recommended that the role of the small United Nations human rights unit be strengthened and expanded, in order to investigate adequately allegations of abuses. I believe that the Security Council would be justified in supporting the request of the two parties to the Lusaka Protocol, since respect for individual rights

and freedoms will no doubt contribute to the establishment of a lasting peace in Angola.

4. *Military aspects*

39. The withdrawal of the formed military units of UNAVEM III has been proceeding generally within the framework outlined in my previous reports to the Council. However, developments on the ground and, in particular, delays in the demobilization of UNITA ex-combatants and in actual closure of the selection and demobilization centres have necessitated the introduction of adjustments to the withdrawal plan, as described in paragraph 15 above.

40. With the withdrawal of main infantry and support units by August/September 1997, I recommend the retention thereafter in Angola of a reduced number of military observers whose presence would be necessary to verify compliance with various aspects of the ceasefire regime. They would, in particular, continue to investigate allegations of offensive troop movements, the presence of any UNITA armed elements and the existence of weapons caches, and monitor the dismantlement of checkpoints and UNITA command posts, as well as the integration of UNITA soldiers into the FAA. As other components of the mission, the military observers would have full freedom of movement throughout the country.

5. *Humanitarian aspects*

41. In the next few months, the Humanitarian Assistance Coordination Unit will begin to downsize its presence in Angola to reflect the changing circumstances on the ground. In accordance with the additional mandate entrusted to it in February 1995 in connection with the establishment of UNAVEM III, it would continue to support the demobilization of UNITA ex-combatants and their social reintegration. At the same time, the Unit would increasingly focus on the original coordination mandate entrusted to it in 1993, including monitoring the emergency situation and maintaining a capacity to respond to humanitarian needs as they emerge. It would thus serve as the focal point for information, donor liaison and coordination of humanitarian operations through an established network of field advisors in key provinces.

6. *Administrative aspects*

42. In paragraphs 45 to 47 of my report of 7 February 1997 [*ibid.*], I described in detail the challenges that would be faced by the administrative component of the follow-on mission, as logistical support would have to be provided to headquarters of the follow-on mission in Luanda, to the political, police, human rights and military components in six regional headquarters, and to almost all provincial capitals and over 30 other outstations. Initially, the administrative and logistical requirements of the mission would increase slightly, to compensate for the transport and communication capabilities that had been previously provided by the formed military units of UNAVEM III. Some administrative personnel would have to be redeployed to assume various operational tasks currently performed by military personnel, including staff officers. The great size of Angola and the lack of a viable infrastructure will continue to affect the complexity of various functions required to be carried out by the administrative component.

43. The existing resources allocated for UNAVEM III by the General Assembly will be used to ensure a smooth transition to an observer mission. UNAVEM III is already developing a transfer and liquidation plan leading towards the follow-on observer mission and has, within its 1997-1998 budget, made some very pressing requisitions. The average age of much of the UNAVEM III equipment far exceeds accepted write-off parameters. Most of the fleet of UNAVEM vehicles has been in use for five years, and the average per vehicle accumulation of 100,000 kilometres exceeds the possibility of maintaining them under reasonable safety standards.

44. Furthermore, obsolete communications and computer equipment already complicates the mission's ability to cope with anticipated requirements; replacements would be necessary to establish a reliable network of voice communication and data transmission, especially between Luanda and the regions, which at present is dependent to a great degree on the capabilities of the departing formed military units. A great deal of other equipment either is obsolete or has served out its usefulness, rendering it unfit for transfer to other peacekeeping operations or the United Nations Logistics Base at Brindisi, Italy. It is recommended that the present UNAVEM III fleet of fixed-wing aircraft be reconfigured once the military units have departed to adapt to the needs of the follow-on mission.

B. *Organizational structure*

45. The organizational structure of the new mission would be as follows:

(*a*) The mission, with headquarters in Luanda, would be headed by the Special Representative, who would continue to be assisted by a Deputy Special Representative of the Secretary-General, as well as by the necessary professional and support staff, albeit at a reduced level. The public information and interpretation sections would remain at the present level at the initial stages of the new operation, but would begin to be downsized by the end of 1997. Since the Special Representative would continue to chair the Joint Commission, a small secretariat would be provided by the United Nations;

(*b*) The Political Division, headed by a Director, would have offices in most of the 18 provinces of Angola, in addition to a headquarters cell in Luanda, bringing the overall strength of the Division to 28 Professional staff assisted by necessary support staff. Senior political officers stationed in six operational regions would serve as coordinators responsible for all activities of the observer mission, replacing the military commanders who are currently performing these functions;

(*c*) The civilian police component would be headed by a Police Commissioner with the rank of Chief Superintendent. This component would maintain headquarters and a special task force in Luanda. The police observers, whose total number would increase by 85 (i.e. from 260 to 345), would be deployed to each of the 6 regional headquarters and 36 outlying teamsites each with 6 to 7 police observers;

(*d*) The human rights component would be headed by a Director and would have two monitors in almost all provinces, with a total of 29 Professional staff supported by 26 United Nations volunteers;

(*e*) After the withdrawal of the main body of military units, the military component of the follow-on mission would be headed, as of October 1997, by a Chief Military Observer with the rank of Brigadier-General. It would have a reduced number of military observers: 86 compared to the current authorized strength of 350. In addition, the military component would retain a reduced military helicopter company to provide the mission with the necessary investigative and medical evacuation capabilities and two small military medical dressing stations. In the light of the Organization's experience in other peacekeeping operations, I also recommend the postponement, until the end of November 1997, of the repatriation of one United Nations infantry company to ensure proper protection of United Nations property, which is an important aspect in any withdrawal exercise; this company would be stationed at the mission's logistical bases in Luanda and Lobito;

(*f*) The administrative component would be headed by a Chief Administrative Officer and would comprise Professional and General Service staff adequate for the downsizing and liquidation of UNAVEM III and the implementation of the mandate of the follow-on mission.

46. Upon completion of the demobilization process, the United Nations Humanitarian Assistance Coordination Unit would be gradually reduced in size. Under the follow-on mission, it would continue to support the demobilization exercise, including the provision of material and human resources for the selection and demobilization centres, as well as the Demobilization and Reintegration Office. According to current plans, the gradual downsizing of the Demobilization and Reintegration Office would entail a reduction from the current 17 Professional posts to 14 in August and 3 by December 1997, so as to take into account the delays in the demobilization exercise. The United Nations Volunteers posts would be reduced from 30 to 21 in August, with only 2 posts remaining by December. By the end of 1997, the United Nations Humanitarian Assistance Coordination Unit would have 14 international Professional and 22 national posts, all of which would be funded through voluntary contributions; it would continue to report directly to the Special Representative on all humanitarian matters related to the peace process.

47. All components of the follow-on mission would function under the overall authority of the Special Representative, who would coordinate all United Nations activities in support of the peace process. The mission would rely on integrated logistical, communications and transport systems to ensure maximum flexibility, operability and cost-effectiveness. Having the above in mind, all components of the new mission, to the greatest extent possible, would be deployed together. In the meantime, pursuant to paragraph 4 of Security Council resolution 1106 (1997) of 16 April 1997, I have initiated the transition of UNAVEM III to an observer mission (as described in section VII of my report dated 7 February 1997 [*ibid.*]) by making arrangements for the deployment to Angola of a small number of additional political, police and human rights staff.

VIII. Observations

48. Despite persistent difficulties and delays, events in Angola since my visit in late March 1997 have generally been moving in a positive direction. The formation of the Government of Unity and National Reconciliation, the return of UNITA deputies to the National Assembly, the beginning of the normalization of State administration and the demobilization of ex-combatants represent important steps towards the implementation of the provisions of the Lusaka Protocol and provide a strong basis for the process of national reconciliation.

49. However, despite the progress achieved recently, the road towards lasting peace in Angola remains a difficult one. The recent tensions in the northern part of the country have underscored the unsettled situation prevailing in some areas of the country. The process of extension of State administration to the areas formerly under UNITA control is proceeding at a slow pace and, in some instances, gives rise to incidents such as those which took place in the central region on 30 May 1997 (see para. 4 above). Moreover, the psychological and political barriers between the parties are still wide. In this connection, the holding of the long-overdue meeting between President dos Santos and Mr. Savimbi as early as possible inside Angola could facilitate the normalization of State administration and accelerate the process of national reconciliation and the peace process in general. Such a meeting could also help to resolve the precarious situation which persists in the border area between Angola and the Democratic Republic of the Congo.

50. It is currently possible—and indeed imperative—for the parties to accelerate the normalization of State administration and to encourage the process by conducting an intensive public awareness campaign. Equally, I call on the Government and UNITA to cooperate with the United Nations towards the completion of demobilization of UNITA ex-combatants, closure of the selection and demobilization centres, as well as the earliest conclusion of the formation of the united Angolan armed forces. At the same time, I would like to commend the spirit of cooperation and tolerance which characterized the initial steps of the Government of Unity and National Reconciliation and hope that all parties involved will continue to work harmoniously within the new Government and the National Assembly in order to rehabilitate and rebuild their war-torn country.

51. The demobilization of tens of thousands of troops and their reintegration into civil society remains one of the most crucial challenges under the Lusaka Protocol. I once again urge the donor community to provide the urgently needed assistance to IOM for the demobilization programmes, as well as the necessary resources to assist former combatants in the quartering areas and the large number of refugees. The link between the rehabilitation and reconstruction of Angola and the consolidation of peace in the country is evident, and I call on the international community to fulfil the pledges made in this regard at the 1995 Brussels Round Table Conference.

52. I am encouraged by the readiness of the Security Council to consider the establishment of a follow-on mission of the United Nations in Angola, bearing in mind my previous recommendations in this regard. I am convinced that the Angolans will continue to need a sustained level of international assistance and encouragement in order to conclude the implementation of the Lusaka Protocol and to consolidate the gains made thus far in the peace process. Accordingly, a continued, but scaled-down presence of the United Nations in Angola will be required after the expiration of the mandate of UNAVEM III on 30 June 1997. Against this background, I recommend the establishment, as of 1 July 1997, of a new operation to be known as the United Nations Observer Mission in Angola/Missão de Observação das Nações Unidas em Angola (MONUA). The mandate and organizational structure of this mission are described in section VII above, and the cost implications are being issued separately as an addendum to the present report.

53. The performance of the new mission and its components will be measured against specific indicators, such as the completion of the demobilization process and the closure of the selection and demobilization centres, the incorporation of ex-UNITA combatants into the FAA and the Angolan National Police, the integration of UNITA personnel in all levels of State administration, which has to be effectively implemented throughout the whole country, elimination of all the impediments to free circulation of people and goods, disarmament of the civilian population and other essential tasks. In view of the magnitude of the tasks which still need to be accomplished, I recommend that the new mission be established for a period of seven months, until 1 February 1998, after which, depending on developments on the ground, it would be gradually drawn down in accordance with plans which I intend to submit to the Security Council by the end of 1997.

54. In closing, I should like to pay tribute to my Special Representative, Mr. Alioune Blondin Beye, and all civilian, military and police staff of UNAVEM III as well as to the personnel of United Nations agencies and non-governmental organizations for their dedicated efforts in support of the consolidation of peace and national reconciliation in Angola. I also wish to express my appreciation to the three Observer States and to other Member States that have consistently provided assistance to the United Nations in promoting the peace process.

ANNEX

United Nations Angola Verification Mission III: contributions as at 1 June 1997

Country	Military observers	Civilian police officers	Staff officers	Troops[a]	Total
Bangladesh	10	21	13	201	245
Brazil	20	9	29	715	773
Bulgaria	10	14			24
Congo, Republic of the	8				8
Egypt	10	13	13		36
France	8		11[b]		19
Guinea-Bissau	14	4			18
Hungary	10	3			13
India	20	11	44	686	761
Jordan	17	23	20		60
Kenya	10				10
Malaysia	19	20			39
Mali	9	15			24
Namibia			13	200	213
Netherlands	11	10	26		27
New Zealand	4		7		11
Nigeria	19	21			40
Norway	4				4
Pakistan	4		14[c]		18
Poland	7				7
Portugal	7	28	8	310	350
Romania			22	760	782
Russian Federation	7		2	149	158
Senegal	10				10
Slovakia	5				5
Sweden	19	10	1		30
Ukraine	5		3	1	9
United Republic of Tanzania		1			1
Uruguay	4	15	27	10	54
Zambia	10	15	8	103	136
Zimbabwe	21	22	28	276	347
TOTAL	302	239	320	4 213	4 994

[a] Including military police.

[b] Including military specialists in the UNAVEM III unarming wheel and its Quartering Area Administration.

[c] The total figure does not include the four demining experts seconded by Germany.

UNAVEM III
Deployment as of 1 June 1997
HQ UNAVEM HQ
RHQ Regional HQ
Planned UNMO's and UNPO's
UNMO's and UNPO's
UNMO's only
UNPO's only
Each Regional HQ is co-located with: RUS and POR
CONGO
Brazzaville
Kinshasa
DEMOCRATIC REPUBLIC OF THE CONGO
LUANDA
NORTHERN REGION
CENTRAL REGION
NORTH EASTERN REGION
EASTERN REGION
SOUTHERN REGION
SOUTH EASTERN REGION
HUAMBO
SAURIMO
LUENA
MENONGUE
LUBANGO
ZAMBIA
NAMIBIA
BOTSWANA
IND
ROM
POR
RUS
BRA
ZIM
NAM
ZAM
International boundary
National capital

[*Original: English*]
[*6 June 1997*]

1. In reference to paragraph 52 of my report dated 5 June 1997 [*S/1997/438*], I wish to inform the Security Council that the cost of the follow-on mission, the United Nations Observer Mission in Angola (MONUA), is estimated at $64.5 million for the seven-month period from 1 July 1997 to 1 February 1998.

2. This estimate provides for 193 military contingent personnel, 86 military observers and 345 civilian police monitors, supported by a civilian establishment of some 310 international civilian staff, 250 locally recruited staff and 60 United Nations volunteers.

3. A breakdown of the estimated requirements is provided for information purposes, by main categories of expenditure, in the annex to the present addendum.

4. It is my intention to propose to the General Assembly, should the Security Council decide to authorize the establishment of the Observer Mission, that the costs relating thereto should be considered an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations and that the assessments to be levied on Member States should be credited to a Special Account to be established for the new mission.

ANNEX

United Nations Observer Mission in Angola (MONUA) estimated cost for the seven-month period from 1 July 1997 to 1 February 1998

(Thousands of United States dollars)

	Category	Cost estimate
1.	Military personnel costs	1 100
2.	Civilian personnel costs	26 850
3.	Premises/accommodation	1 500
4.	Infrastructure repairs	200
5.	Transport operations	1 600
6.	Air operations	7 300
7.	Naval operations	
8.	Communications	1 995
9.	Other equipment	500
10.	Supplies and services	11 400
11.	Election-related supplies and services	
12.	Public information programmes	120
13.	Training programmes	10
14.	Mine-clearing programmes	
15.	Disarmament and demobilization programmes	
16.	Air and surface freight	500
17.	Staff assessment	2 900
	TOTAL	64 500

DOCUMENT S/1997/455

Letter dated 9 June 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (*b*) (i) of Security Council resolution 687 (1991) to the President of the Security Council

[*Original: English*]
[*13 June 1997*]

In the report of the Secretary-General on the activities of the Special Commission [*S/1997/301, annex*], which was submitted to the Security Council on 11 April 1997, reference is made to the Commission's air operations (paras. 31-33). Attention is drawn, in particular, to various serious incidents regarding those operations that occurred during the reporting period. Those incidents encompassed attempts to exclude areas from overflight and threats to the safety and integrity of the aircraft and their crews, including efforts to wrest control of the Commission's aircraft from the crew and dangerous manoeuvres by the accompanying Iraqi helicopter to force the Commission's aircraft to deviate from its route. The report also outlined the steps taken by the Commission to attempt to remedy this matter, in particular through both written and oral protests to the Deputy Prime Minister of Iraq. In the report I expressed the hope that some arrangements arrived at during my April 1997 visit to Baghdad would serve to rectify the situation. Unfortunately, this has not proved to be the case and there has been a repeat of all of the actions of the sort described above. The situation has reached the point where it appears necessary to raise the matter directly with the Council.

The Commission's helicopter operations form an integral part of its inspection activities in Iraq, whether related to Iraq's prohibited programmes and activities or to monitoring. Many of these activities cannot be carried out with the assurance that sites to be inspected are secure unless aerial surveillance is conducted to ensure that no personnel, vehicles or aircraft leave the sites. The effectiveness of inspections is gravely diminished in many cases where aerial surveillance is interfered with by the Iraqi personnel, either in the Commission's aircraft or in an accompanying Iraqi helicopter. These personnel are intended to ensure liaison with the Iraqi authorities on the ground or in the air and they have no authority to dictate the route or other issues relating to the flight of the aircraft. Where such interference occurs, the Commission cannot carry out its tasks in a satisfactory manner.

The Security Council has been aware of the importance of the Commission's air operations by providing in its resolutions and related texts that the Commission has the right to conduct both fixed-wing and helicopter flights throughout Iraq for all relevant purposes, including inspection, surveillance, aerial surveys, transportation and logistics without in-

terference of any kind and upon such terms and conditions as may be determined by the Special Commission. Iraq is bound by and has accepted its obligations in these respects, but during recent weeks has failed to honour them in practice.

In the last few days, there have been four serious incidents in which the lives of the crews of the Commission's helicopters and the aircraft themselves were endangered through the actions of the Iraqi air personnel on board the aircraft or through the manoeuvres of the accompanying Iraqi helicopter. These actions resulted in the air missions having to be terminated without successfully carrying out their tasks.

In the first incident, on 4 June 1997, when the Commission's aircraft was seeking to orbit the inspection site, the Iraqi air personnel threatened to shut off the fuel pump and physically man-handled the Chief Air Inspector and the Commission's photographer in order to prevent them from taking photographs of the inspection site, including the departure from that site of two Iraqi helicopters.

In the second incident, on 5 June 1997, one of the Iraqi personnel, among other actions, grabbed the co-pilot's control (cyclic-stick), shaking it very violently, leading the Commission's pilot immediately to abort the mission and to return to his base.

The third and fourth incidents occurred on 7 June 1997. In the third incident, an accompanying Iraqi helicopter placed itself in the path of the Commission's aircraft, causing the Commission's pilot to make a radical manoeuvre to avoid a dangerous situation. Subsequently, one of the Iraqi personnel interfered with the flight controls by placing his foot on the pilot's collective lever with considerable force, resulting in a temporary deviation from controlled flight. He said formally that he would do whatever he could to stop the aircraft flying and indicated that he was acting under orders. The Commission's pilot, therefore, aborted the mission and returned to base.

In the fourth incident, the accompanying Iraqi helicopter flew alongside, but slightly higher than the Commission's helicopter, so close that its main rotor overlapped the rotor of the Commission's aircraft by some eight feet. When the Commission's crew told the Iraqi personnel on board to order the accompanying aircraft to move away, the individual involved replied that he would not do so as he had orders from Baghdad. He also said that he was not prepared to guarantee the safety of the Commission's aircraft.

All these incidents appeared to have been motivated by a determination on the Iraqi side not to permit the Commission to operate its aircraft in the neighbourhood of areas that Iraq considered to be "sensitive" or "diplomatic" sites, despite the fact that those sites were under ground inspection where access was permitted. In each case, it was only the professional and quick response of the Commission's pilots that prevented the occurrence of tragic accidents.

Wishing to avoid having to raise the matter directly and immediately with the Council, I wrote to the Deputy Prime Minister of Iraq on 5 June, protesting, at that time, the one incident of which I was aware and which had occurred on 4 June. In that letter, I recalled the undertakings that the Deputy Prime Minister had given in April 1997 during our meetings in Baghdad and during which Iraq had agreed that the Commission's pilot was solely responsible for the operations of his aircraft and for its safety and that it was totally unacceptable to try and settle disputes through physical action in flight. I requested that orders be issued again to the National Monitoring Directorate and to those responsible for providing Iraqi air personnel for the Commission's helicopter operations to honour Iraq's commitments in respect of those operations. I indicated, however, that, in view of these continuous incidents, no Iraqi personnel who had engaged in activities that interfered with and threatened the safety of the Commission's flights should be permitted on board the Commission's aircraft.

The second incident was the subject of a protest sent on 5 June 1997 by the Deputy Executive Chairman on my instructions as I was away from the Commission's headquarters. In that letter, the Deputy Executive Chairman requested that the Government of Iraq provide immediate written assurances that it had taken appropriate measures to avoid the recurrence of violations of the nature complained of. If not, the matter would be brought to the attention of the Security Council.

In a reply to my letter of 5 June, the Deputy Prime Minister of Iraq regretted the Commission's accusations, which he stated to be based on a single incident among hundreds of flight operations. He also questioned the facts of the incident but indicated that he had directed that the Iraqi air personnel concerned in the incident be relieved of duties associated with the work of the Commission. However, the letter did not provide any assurances that the Commission's flying rights would be permitted to proceed as required by the Council.

In a letter dated 6 June 1997, the Under-Secretary of the Ministry for Foreign Affairs of Iraq, responding to the Deputy Executive Chairman's letter of 5 June, merely sought to justify the actions of the Iraqi air personnel and failed to give the assurances that had been requested regarding Iraq's taking proper measures to avoid the recurrence of such violations.

As demonstrated by two further incidents following on the Commission's letters, the assurances and effective measures that have been sought by the Commission to resolve this matter have not been forthcoming. The Commission cannot carry out its responsibilities, either with respect to the inspections related to Iraq's prohibited activities or with respect to monitoring, if the related air operations are interfered with and if the crew and aircraft are being placed in the most imminent danger. The Commission is concerned that it is faced by a situation where there has been a deliberate decision to hinder and, indeed, render many of its operations ineffective and that the incidents cannot just be ascribed to ill-advised actions by individuals on the spur of the moment. The Commission, therefore, considers that, in order to enable it to proceed in the most effective manner, the Security Council might wish to remind Iraq of its obligations under resolutions 687 (1991), 707 (1991) and 715 (1991) to permit the Commission to carry out its air operations anywhere in Iraq without interference of any kind and upon such terms

and conditions as the Commission may determine. It might also wish to remind Iraq of its obligations under the relevant resolutions and the exchange of letters of May 1991 to guarantee the safety and security of the Commission's aircraft and personnel.

I would be most grateful if the present letter could be brought to the attention of the members of the Council for their consideration.

(*Signed*) Rolf EKEUS
Executive Chairman

DOCUMENT S/1997/456

Letter dated 13 June 1997 from the representative of Iraq to the President of the Security Council

[*Original: Arabic*]
[*13 June 1997*]

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 5 June 1997 from Mr. Tariq Aziz, Deputy Prime Minister of Iraq, addressed to the Executive Chairman of the Special Commission.

I request you to have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Nizar HAMDOON
Permanent Representative of Iraq to the United Nations

ANNEX

Letter dated 5 June 1997 from the Deputy Prime Minister of Iraq addressed to the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (*b*) (i) of Security Council resolution 687 (1991)

I have received your letter of 4 June 1997 and should like to inform you that I greatly regret its contents and the hasty conclusions drawn in it.

Your letter uses an isolated incident, before all the facts are verified, as a pretext for jumping to political conclusions that have no objective basis and that, without any justification, bring into question Iraq's compliance with its obligations under the relevant Security Council resolutions.

The operation flown by the Special Commission helicopter was in support of a ground inspection undertaken by UNSCOM 194 led by the Chief Inspector, Scott Ritter, with a view to securing the inspection of a sensitive site. It is therefore strange that your letter uses this incident to substantiate a serious accusation with regard to Iraq's commitment to the monitoring system. This impression is reinforced by the fact that you did not stop there, but assumed that such incidents would be repeated in the future, since you add a further damaging conclusion to the effect that any further repetition of this alleged violation will strengthen the fear that Iraq does not intend to carry out its obligations under the Security Council resolutions.

I conducted an immediate investigation into the incident and it is clear that an argument did take place between the Iraqi escort pilot and the Chief Inspector, owing to tension between the two. The investigation also found that there had been absolutely no physical contact between the Iraqi pilot or minder and the Special Commission's photographer. The reality is that the Iraqi minder put his hand in front of the camera lens in order to prevent photographs being taken. The Iraqi pilot also confirmed that the talk of shutting off the fuel pump had not been serious and that the Chilean pilot had not treated it as a serious threat. It is also worth mentioning that the Iraqi helicopter that was to be photographed returned to its site a very short time after take-off and was inspected by the Special Commission's ground inspection team, which did not find any proscribed items.

Another surprising aspect of your letter is that you accuse us of failing to honour our commitments to the Special Commission in respect of the compliance of the Iraqi pilots and minders with the flight procedures of the Special Commission helicopters. You ignore the fact that this incident, irrespective of its details, took place during one of hundreds of flight operations carried out over recent months that are continuing on an almost daily basis in a normal manner. Nevertheless, and in order to avoid the exploitation of this isolated incident for other purposes, I have ordered the Iraqi pilot and minder involved in the incident to which you refer in your letter to be relieved from such escort duties.

I should like to take this opportunity to make it clear to you that your having sent inspection team No. 194 at this particular time arouses our suspicions, as was made clear to you in the letter dated 30 May 1997 from Lieutenant-General Amer Mohammad Rashid. At the very time when we are concentrating all our efforts on technical and professional work with a view to closing the files, a team comes to inspect sites of the same type as many other sites that were previously inspected, most recently last March, on the pretext of alleged concealment by the Iraqi side. All that this has meant is a deliberate waste of time and effort, the fabrication of crises and tensions and, as a consequence, the jumping to political conclusions on your part in order to provide a pretext for directing such unfounded accusations against Iraq as are contained in your letter.

Iraq's commitment to the provisions of the relevant Security Council resolutions and to the fundamental matters agreed upon on 22 June 1996 is both serious and genuine. We hope that the Special Commission will conduct its operations in an objective and professional manner and avoid deliberate politicization. It should also avoid trying to prolong its duties, which to date have taken more than six years.

(*Signed*) Tariq Aziz
Deputy Prime Minister

DOCUMENT S/1997/457

Letter dated 13 June 1997 from the representative of Iraq to the President of the Security Council

[Original: Arabic]
[13 June 1997]

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 6 June 1997 from Mr. Riyadh al-Qaysi, Under-Secretary in the Ministry of Foreign Affairs of Iraq, addressed to the Deputy Executive Chairman of the Special Commission.

I request you to have the present letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative of Iraq to the United Nations

ANNEX

Letter dated 6 June 1997 from the Under-Secretary of the Ministry of Foreign Affairs of Iraq to the Deputy Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (*b*) (i) of Security Council resolution 687 (1991)

[Original: English]

I write in reference to your letter dated 5 June 1997 to the Deputy Prime Minister, Mr. Tariq Aziz, and should like to point out the following.

1. As was pointed out in the two letters addressed to the Executive Chairman of the Commission yesterday by Mr. Tariq Aziz, the Deputy Prime Minister, we believe that the incident referred to in your letter and that referred to in the Executive Chairman's letter of 4 June have been instigated at this time in particular, when the Executive Chairman will shortly relinquish his post, with the deliberate intention of creating a false and unjustified crisis. Our belief is not without foundation when seen against the background of the exaggeration of facts in order to create dramatized situations of the type we have witnessed recently in the letters sent by the Special Commission. Certainly, it is not in the interest of Iraq to create any such situation.

2. The Iraqi pilot referred to in your letter is a lieutenant-colonel of the highest technical standards and expertise. He has participated in the Commission's flights for nearly two years, with a total of about 2,000 flying hours, without any problem whatsoever. It would be naive, therefore, to describe the pilot as if he had no regard for the safety of the lives of the Commission's personnel on board, while he himself and the Iraqi minder were also on board and naturally would be exposed to the same danger. This indicates the inclination of the Commission to dramatize situations in order to create a negative atmosphere against Iraq in the Security Council.

3. In point of fact, the Chief Inspector of the Aerial Inspection Team, Mr. David Rendel, insisted that the Commission's pilot use a flight path over a presidential site, which we cannot accept for security reasons. You will recall that this insistence on the part of the Chief Inspector is unjustified in view of the Joint Statement signed on 22 June 1996, namely, that "being guided by the commitment of Member States of the United Nations to the sovereignty, territorial integrity and independence of Iraq, the Special Commission undertook that, in carrying out its mandate and exercising its rights under the relevant Security Council resolutions, it would operate with *full respect for the legitimate security concerns of Iraq*" (emphasis added).

4. The target the Chief Inspector on board was interested in surveilling seems to have been the biology departments of the Colleges of Medicine and Education, both of which are situated within the residential area of the city of Tikrit, as there is no other site related to the work of the Commission within that area. It would have been quite possible and easy to reach the target with a flight detour of two minutes had the Chief Inspector agreed. The Iraqi pilot, in fact, reasoned with the Chief Inspector, to the extent of begging him to reconsider his position and not create any problem and that he should accept the flight detour, but the Chief Inspector did not change his position.

(Signed) Riyadh AL-QAYSI
Under-Secretary
Ministry of Foreign Affairs

DOCUMENT S/1997/458

Letter dated 11 June 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (*b*) (i) of Security Council resolution 687 (1991) to the President of the Security Council

[Original: English]
[13 June 1997]

In the course of the informal consultations on Iraq in the Security Council this morning, you informed the members of the Council that copies were being circulated to them of the letters dated 5 and 6 June 1997 addressed to the Special Commission by the Deputy Prime Minister and the Under-Secretary for Foreign Affairs of Iraq, respectively.

As both these letters are in response to communications of 4 and 5 June 1997, the first from me and the second from the Deputy Executive Chairman addressed to the Deputy Prime Minister of Iraq, I believe it would be useful to provide copies of these letters to the members of the Council so that they have the complete record at their disposal. I am, therefore, enclosing herewith copies for such action as you deem appropriate.

(Signed) Rolf EKEUS
Executive Chairman

ANNEX I

Letter dated 4 June 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (*b*) (i) of Security Council resolution 687 (1991) to the Deputy Prime Minister of Iraq

I write to you to express my most serious concern over the gross misconduct of the Iraqi pilot and minder that occurred on 4 June 1997 during the

Commission's air operations flown in support of a ground inspection undertaken by UNSCOM 194.

When the Commission's aircraft was orbiting the inspection site, the Iraqi pilot threatened to shut off the fuel pump and, together with the Iraqi minder, physically attacked the Chief Air Inspector. The Iraqi pilot and minder loudly and repeatedly stated that no photographs were to be taken. Despite the evident right of the Commission to take photographs, every time an attempt was made to do so, the minder grabbed at the camera and manhandled both the photographer and Chief Air Inspector. At one point, when the Chief Inspector endeavoured to take a photograph out of the door of the helicopter, the minder grabbed hold of the camera and attempted to throw it out of the aircraft, stating that this was his intention. This behaviour is totally unacceptable. Not only was it irresponsible on the part of the Iraqi pilot and minder, but it also constituted an immediate threat to the lives of the Commission's personnel. It was a violation of Iraq's undertakings to guarantee the safety of the Commission's aircraft and personnel.

I am most distressed at this incident, which is yet another example of the actions impeding our flight operations, which I referred to in my letter to you of 14 March 1997. I need not repeat the points made in that letter, all of which are relevant to this incident. In our April 1997 meetings in Baghdad, I raised with you the various incidents that had occurred up to that time and warned that Iraq's deteriorating performance, both in the air and on the ground, called into question its commitments to the monitoring process. If the trend was not reversed, it could result in a situation with political consequences, whereby monitoring could no longer be considered operational. In response, you stated formally that Iraq was committed to ongoing monitoring and verification and that would not change. You said that Iraq wanted to have the monitoring process proceed correctly to the full satisfaction of the Commission, the International Atomic Energy Agency (IAEA) and the Security Council. I insisted, and the Iraqi side agreed, that the Commission's pilot was solely responsible for the operation of his aircraft and for its safety, and that it was totally unacceptable to try and settle disputes through physical action in flight.

It is with regret that I must note that this latest incident demonstrates that the undertakings you have given do not appear to have been translated to the lower echelons who deal with the Commission on a day-to-day basis. The incident to which I am referring is also of grave concern because the Iraqi pilot and minder appeared, once again, to have taken the position that there are certain areas in Iraq over which the Commission has no right to fly or to take photographs related to its mandate. In my letter to you of 14 March 1997, I pointed out that the Commission had the right to conduct "helicopter flights throughout Iraq for all relevant purposes, including inspection, surveillance, aerial surveys, transportation and logistics, without interference of any kind and upon such terms and conditions as may be determined by the Special Commission". These rights are given by the Security Council and could only be changed by the Council. Neither the Commission nor the Council have accepted that Iraq has the right to prohibit it to fly over the areas that Iraq described as "diplomatic" or "sensitive". In this case, photographs were required to document the departure from the site of an Iraqi helicopter in violation of the prohibition of such movements when an inspection is under way.

I must again request that you issue orders to the National Monitoring Directorate and to those who are responsible for providing pilots and minders for the Commission's helicopter operations to honour Iraq's commitments in respect of those operations. In my letter of 14 March, I demanded that the individuals involved in the various aerial incidents be removed from any duties associated with the work of the Commission and of IAEA. This does not appear to have been the case. For the future, I shall issue instructions that no Iraqi personnel who have engaged in activities that interfere with and threaten the safety of the Commission's flights shall be permitted on board the Commission's aircraft. Careful note will be taken of Iraqi personnel involved in flight operations so as to enforce this prohibition.

I have no doubt that this latest violation of the Commission's rights will be viewed with concern by the Security Council and that any further repetition will strengthen the fear that Iraq does not intend to carry out its obligations under the Council's resolutions. I await a response, which I hope will address effectively the repeated concerns that I have had to express regarding interference with the Commission's air operations.

(Signed) Rolf EKEUS
Executive Chairman

ANNEX II

Letter dated 5 June 1997 from the Deputy Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (*b*) (i) of Security Council resolution 687 (1991) to the Deputy Prime Minister of Iraq

I have been instructed by the Executive Chairman, who is away from New York, to write to you to protest most strongly yet another air incident, which occurred on 5 June 1997. In this case, the behaviour of an Iraqi co-pilot placed the lives of the crew and the safety of the aircraft in the most imminent danger.

The aircraft had been flying in support of a ground inspection by UNSCOM 194. In this incident, the Iraqi pilot, while the aircraft was navigating over the Tigris River in the area of Tikrit, first of all lunged at some of the switches on the centre console of the helicopter but was restrained by his seat belt. He then undid his seat belt and grabbed the co-pilot's control (cyclic stick), shaking it very violently. This extremely dangerous action led the Commission's pilot immediately to abort the mission on safety grounds and to return to Rasheed Air Base. The aircraft was therefore unable to carry out the mission with which it had been entrusted.

Whatever disagreement may occur as to the route of a particular flight, it has been agreed by both sides that physical interference with the flight is totally unacceptable. I am, therefore, instructed to inform you that the Iraqi pilot in question will not be permitted, in future, on any of the Commission's flights.

I wish to recall the Executive Chairman's statement in his letter to you of 14 March 1997 where he indicated that, if further air incidents were to occur, he would have to report them to the Security Council.

In view of these two most serious violations of the Commission's rights in two days, I am instructed to request that the Government of Iraq provide immediate written assurances that it has taken proper measures to avoid the recurrence of such violations. If such assurances are not forthcoming, the letter of yesterday's date and the present letter will be brought to the attention of the President of the Security Council.

(Signed) Charles DUELFER
Officer-in-Charge
Deputy Executive Chairman

DOCUMENT S/1997/460

Letter dated 14 June 1997 from the Secretary-General to the President of the Security Council

[Original: English]
[14 June 1997]

I have the honour to convey to you the attached letter, dated 13 June 1997, which I have received from the Permanent Representative of Italy to the United Nations. Attached to the letter is the sixth bi-weekly report on the multinational protection force for Albania, as requested by the Security Council in resolution 1101 (1997) of 28 March 1997.

I should appreciate your bringing the present letter and its annex to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

ANNEX

Letter dated 13 June 1997 from the representative of Italy to the Secretary-General

I have the honour to submit the sixth report on the multinational protection force for Albania (see appendix). The report is submitted pursuant to the requirement set out in paragraph 9 of Security Council resolution 1101 (1997) of 28 March 1997, in which the Council requested the Member States participating in the multinational protection force to provide periodic reports, at least every two weeks, through the Secretary-General, to the Council. The fifth such report was conveyed to you on 6 June 1997 [*see S/1997/440*].

I should be grateful if you could have the text of the present letter and the sixth report circulated as a document of the Security Council.

(Signed) F. Paolo FULCI
Permanent Representative of Italy to the United Nations

APPENDIX

Sixth report to the Security Council on the operation of the multinational protection force in Albania

1. On 28 March 1997, the Security Council adopted resolution 1101 (1997), in paragraph 2 of which it welcomed the offer made by certain Member States to establish a temporary and limited multinational protection force to facilitate the safe and prompt delivery of humanitarian assistance and to help create a secure environment for the missions of international organizations in Albania, including those providing humanitarian assistance.

2. In paragraph 9 of the resolution, the Security Council requested the Member States participating in the multinational protection force to provide periodic reports, at least every two weeks, to the Council through the Secretary-General. The first five reports were provided on 9 and 25 April, 9 and 23 May and 6 June 1997 [*see S/1997/440*]. The sixth report is a special report referring to the modalities of the presence of the force after 28 June 1997 and in the light of the assessment of the situation by the Council three months after its adoption of resolution 1101 (1997), as foreseen by it in paragraph 6 of the resolution.

3. The Steering Committee, consisting of the political directors of the troop-contributing countries and the Commander of the operation, had a special meeting on 10 June under the chairmanship of Ambassador Amedeo de Franchis, the Italian political director, to approve the present special report.

4. The Steering Committee considered several requests by the Albanian authorities that the force remain in Albania during the electoral process to help ensure a safe and secure environment for the Organization for Security and Cooperation in Europe (OSCE) monitoring teams, in the framework of the Security Council's mandate, and expressed its readiness to accede to those requests.

5. The Steering Committee examined the results of the International Meeting on Albania held at Rome on 26 May 1997. The participants at that Meeting had expressed appreciation for the neutral and impartial way in which the Security Council mandate had been carried out by the force in close contact with the Albanian authorities. They also recognized that the presence of the multinational protection force was effectively contributing to the stability of both the country and the region and stated that the force, within the framework of its mandate, would contribute to ensuring a safe environment in Albania during the electoral process, taking into account in all possible ways the OSCE electoral concept.

6. The Steering Committee took note of the requests presented in that connection by the Director-General of the Office for Democratic Institutions and Human Rights (ODIHR) of OSCE, Ambassador Stoudmann, during the Committee's meeting of 4 June.

7. The Steering Committee noted the indications provided by the Albanian authorities and OSCE that the electoral process would exceed the present time-limit of the mandate.

8. The Steering Committee also noted the results of a planning meeting of military representatives of the troop-contributing countries, which took place at Rome on 6 June and which examined the operational modalities for the force to ensure a secure environment for OSCE/ODIHR personnel during the electoral process and in the framework of its mandate as defined in Security Council resolution 1101 (1997).

9. The Steering Committee noted that a withdrawal of the multinational protection force by 28 June, the day before the planned elections in Albania, as foreseen in paragraph 6 of resolution 1101 (1997), would not allow the force to provide the above-mentioned secure environment and would therefore undermine one of the main efforts of international assistance to Albania, with an added negative impact on the improvements so far achieved through the efforts of the international community in close cooperation with the Albanian authorities and in addition to their own action in that field.

10. The Steering Committee took note of the readiness of the contributing countries to maintain, for a limited time, their military contingents in Albania as part of the multinational protection force and in the framework of the mandate given by the Security Council.

11. The Steering Committee took note that, for a limited period of time, coinciding with the electoral process and for the specific purpose of protecting the OSCE electoral missions, a limited increase in the strength of the force from that originally planned would be necessary.

12. In view of the above, the Steering Committee recommends that the mandate given to the force by the Security Council in resolution 1101 (1997) be extended for the period necessary for the completion of the electoral process in Albania and in any event not longer than 45 days after the termination of the present mandate.

DOCUMENT S/1997/462

Letter dated 14 June 1997 from the representative of Iraq to the President of the Security Council

[Original: Arabic]
[16 June 1997]

On instructions from my Government, I have the honour to transmit to you herewith a copy of a letter dated 5 June 1997 from Mr. Tariq Aziz, Deputy Prime Minister of the Republic of Iraq, addressed to the Executive Chairman of the Special Commission. The Deputy Prime Minister conveys the concern of the Iraqi side that the analysis of missile remnants has been unconscionably protracted and that the transmission of the results has been delayed without regard for the consequences, which include the prolonged maintenance of the embargo and the continued suffering of the Iraqi people.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Nizar HAMDOON
Permanent Representative of Iraq to the United Nations

ANNEX

Letter dated 5 June 1997 from the Deputy Prime Minister of Iraq to the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (*b*) (i) of Security Council resolution 687 (1991)

I have studied your letter of 3 June 1997 addressed to Lieutenant General Amer Mohammad Rashid containing your response to his inquiry as to the results of the analysis of the missile remnants.

The letter is extremely disturbing and raises many questions. On the one hand, it contains no information on the results of the analysis of the missile remnants, while, on the other hand, it makes the operation open-ended and goes beyond our shared understanding of the timetables for completion. I should like to recall that in our two periodic meetings in Baghdad, in February and April 1997, you explained the operation, the kinds of analyses to be performed and the expected timetable. At the February meeting you told us that the preliminary results of the analyses could be ready within weeks and that if the Special Commission had begun moving the missiles in November 1996, it would have been possible to begin the analyses in mid-December and include the results in the Special Commission's April semi-annual report. At the April periodic meeting you told us that work had begun on the missile analyses in the United States of America on 28 March 1997 and that work would begin in France on either 4 or 7 April 1997. The laboratories would inform the Commission of the results on the basis of priorities. Some preliminary results could be expected within weeks, and the final results would be ready in August 1997.

It would appear from your above-mentioned letter that you are only prepared to present preliminary results after an extremely long delay, and that you intend to undertake endless or at least very lengthy analyses that will extend well beyond the timetable you gave us. This will substantially delay the strenuous efforts we are making to close the missiles file and make progress towards closing the other files. I should like to make it clear to you that this extension has no objective basis and is expensive. It is intended to delay indefinitely the closure of the weapons files, with no regard for the consequences, namely, the continuation of the sanctions regime and the suffering of the Iraqi people. This is a course I have cautioned against at our meetings and in my letters to you in recent months.

After more than six years you are about to leave your post as Chairman, and it would seem that we are still caught up in the twists and turns of a never-ending story. The situation regarding the analyses and the other measures currently being carried out as part of the Special Commission's activities give rise to profound disquiet and raise serious questions about the extent of the Commission's commitment to complete its mandate under Section C expeditiously and in an impartial and businesslike manner.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Tariq Aziz
Deputy Prime Minister

DOCUMENT S/1997/464

Letter dated 16 June 1997 from the representative of Albania to the President of the Security Council

[Original: English]
[16 June 1997]

Upon instructions from my Government, I have the honour to communicate to you the following:

After the request of the Albanian authorities to some States members of the Organization for Security and Cooperation in Europe (OSCE) to participate with a military force in the protection of humanitarian activities in Albania, OSCE decided on 27 March 1997 to support the willingness of a number of countries to participate in such a force. The next day, on 28 March, I wrote to you concerning this matter asking for appropriate action from the Security Council [*see S/1997/259*].

The Government of Albania highly appreciated the prompt reaction of the Security Council through the adoption of its resolution 1101 (1997) of 28 March 1997 leading to the

creation of the Multinational Protection Force (MPF) which started its activity in Albania, known as operation "Alba", on 15 April 1997.

Since the beginning of its activity, MPF, in accordance with its mandate, has implemented the important tasks assigned to it. It is important to point out that the Force is operating in the smoothest possible way. We are particularly happy to note that an excellent cooperation based on full mutual understanding has been established between the command of MPF, the Albanian authorities and the Albanian public, in general, which constitutes a solid basis for success in helping to alleviate and resolve the crisis.

Major improvements are noticed in the field of public order but numerous challenges still exist. The Albanian police force is still being reorganized thanks also to the welcoming foreign assistance and expertise in this aspect. They are getting stronger in combating crime. However, a serious threat still remains for public security in certain areas in the view of upcoming important events, namely the parliamentary elections, which are crucial for the future of the country. We all agree that the presence of the Force has contributed to the normalization of the situation of the public order being impartial and neutral, and we think it necessary for this to continue.

In this context, taking into account the meeting of the Government of Albania, which agreed on the need for MPF to continue its activity in Albania for the future time-frame and considering paragraph 6 of the resolution 1101 (1997) of the Security Council which reads "... the operation will be limited to a period of three months from the adoption of the present resolution, at which time the Council will assess the situation on the basis of the reports ...", I would ask you to present to the Council the request of the Government of Albania to extend the presence of MPF in Albania for another three months. We expect that the Council will be able to decide appropriately on this matter.

May I ask your kind assistance so that the present letter may be circulated as a document of the Security Council.

(*Signed*) Pellumb KULLA
Permanent Representative of Albania
to the United Nations

DOCUMENT S/1997/465

Letter dated 16 June 1997 from the representative of Iraq to the President of the Security Council

[*Original: Arabic*]
[*16 June 1997*]

On instructions from my Government, I have the honour to transmit herewith a letter dated 15 June 1997 from Mr. Tariq Aziz, Deputy Prime Minister of the Republic of Iraq, addressed to you, concerning practices of the Special Commission inspection team UNSCOM 194 intended to achieve aims that are unrelated to the mandate of the Special Commission or the relevant Security Council resolutions.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Nizar HAMDOON
Permanent Representative of Iraq
to the United Nations

ANNEX

Letter dated 15 June 1997 from the Deputy Prime Minister of Iraq to the President of the Security Council

I have read the letter dated 12 June 1997 from Mr. Ekeus, the Executive Chairman of the Special Commission, addressed to you, in which he accuses Iraq of denying the Special Commission inspection team UNSCOM 194 access to three sites on 10 and 12 June 1997. I therefore thought it necessary to write to you, and to inform Security Council members of the facts relating to the inspections carried out by that team, and the circumstances surrounding the three incidents in question. We hope that the Council will carefully consider this letter and draw appropriate and objective conclusions.

The members of the Council are aware that Iraq has serious and real concerns relating to Special Commission inspection teams' access to sites important to its sovereignty or national security. They are also aware that incidents of a similar nature took place in the first half of 1996. Since the Iraqi side has been keen to strike an objective balance between facilitating the tasks of the Special Commission under the relevant Security Council resolutions and Iraq's legitimate concerns over its sovereignty and national security, it took part in serious and sincere discussions with the Executive Chairman of the Special Commission, who visited Iraq from 19 to 22 June 1996. Those discussions achieved a balanced formula that allowed the inspection teams access to sensitive sites related to its duties, on the basis provided for in the joint statement of 22 June 1996, whereby "the Special Commission undertook that, in carrying out its mandate and exercising its rights under the relevant Security Council resolutions, it would operate with full respect for the 'legitimate security concerns of Iraq'". The two sides agreed on a joint programme of action to intensify their work with the aim of making it possible for the Commission to report as soon as possible to the Security Council that Iraq had met its obligations under section C of resolution 687 (1991).

In October 1996, I agreed with Mr. Ekeus that joint work should concentrate on reviewing the files and working to close them. The missile file should be dealt with first, followed by the chemical file and the biological file. Work did in fact proceed along these lines in the months which followed.

However, the Special Commission altered this approach, and in March 1997, began to carry out large-scale inspections, the likes of which had not been conducted for several years, of sites related to national security, on the pretext of verifying alleged claims of the concealment of proscribed items and activities. The UNSCOM 182 inspection team led by Mr. Roger Hill, with Colonel Scott Ritter, the current Chief Inspector of UNSCOM 194, as Deputy Chief Inspector, arrived in Iraq. From 8 to 16 March 1997 the team carried out 22 inspections of sites related to national security and to the security of the Presidency of the State (a list of those sites is given in appendix I). The Iraqi side did its best to ensure that those inspections were carried out appropriately, and in a manner that would convince the Special Commission that those sites did not contain any items proscribed under Security Council resolutions, as alleged by the intelligence sources of some States which provide the Special Commission with such fabricated information.

The many surprise inspections that were carried out did not detect any concealed proscribed items. Their findings validated the position of Iraq, which has repeatedly assured the Special Commission that it does not conceal any proscribed items, and that the sources of the Commission's information in this respect are tendentious and inaccurate.

On 29 May 1997 Mr. Rolf Ekeus sent a letter to Lt. General Amer Mohammed Rashid, the Minister of Oil, informing him of his intention to send an inspection team to investigate alleged mechanisms for the concealment of proscribed activities and items.

This surprised and concerned us, since it means that the Special Commission is unwavering in the accusations it has repeated over and over again with no concrete evidence to substantiate them. It also means that in spite of the many opportunities the Special Commission has been given to verify this matter, it has yet to be laid to rest. The Commission keeps repeating the same allegations after every inspection and verification mission. On my recommendation, Lt. General Amer Mohammed Rashid sent a letter dated 30 May to Mr. Ekeus indicating that the allegations of concealment were a matter which the Special Commission had addressed over an extended period through past inspections and interviews. The facts indicate that the Special Commission has not found any evidence to prove its suspicions or support the allegations of concealment. Lt. General Rashid asked Mr. Ekeus to postpone sending the aforementioned inspection team until the matter had been discussed at the periodic high-level meeting which I was due to hold with the Executive Chairman either this month or when the new Executive Chairman assumes his post, but Mr. Ekeus could not be dissuaded, and dispatched the inspection team to Iraq.

The Chief Inspector, Colonel Ritter, mentioned at the meeting held on 2 June 1997 that the mission of the team was to ascertain that concealment mechanisms do not currently exist. He requested interviews with officers of the armed forces who have no connection with the programmes covered by resolution 687 (1991), and said that he intended to inspect a number of sites. The day after its arrival, the team began to carry out inspections. While it was in Iraq, from 3 to 12 June 1997, the team inspected 40 sites (appendix II). Those included sites directly related to the security of the Presidency of the State, sites belonging to the Ministry of Defence, and the Ba'ath Arab Socialist Party and the Security and Intelligence Services, in addition to other sites. Some of those sites had already been inspected by UNSCOM 182 in March 1997.

With regard to the incidents referred to in the letter dated 12 June 1997 from Mr. Rolf Ekeus addressed to the President of the Security Council, I would like to point out the following:

1. *The first site*: On 10 June 1997, Colonel Ritter requested and was granted access to the headquarters of the Iraqi Intelligence Service in Baghdad. He inspected one site which he subsequently said was not the one he had intended to inspect and requested access to the office of the political section of the Intelligence Service. As this contains highly confidential material, we did not grant this request.

2. *The second site*: On 12 June 1997, Colonel Ritter requested access to a site related to the security of the Presidency, which he had already inspected twice in July and August 1996. This time we did not grant access.

As regards the third site referred to in the letter, we are unsure as to which Mr. Ekeus has in mind. All we do know is that on 12 June 1997, prior to Colonel Ritter's request for access to the site mentioned in 2 above, he requested permission to use a road related to a "Presidential site, without specifying the site designated for inspection. We suggested that he should use another road, but he objected, and cancelled the mission.

Our reason for denying the inspection team access to the two sites mentioned in 1 and 2 above is our serious concern that access to those sites is not for the purpose of implementing the mandate of the Special Commission under relevant Security Council resolutions, but rather to use the facilities available to the Special Commission under its mandate as a cover to detect the arrangements made for the security of Iraq, its leadership and the personnel involved. You and the members of the Security Council are well aware of the United States' position towards Iraq and its political system.

Our concern is increased by the fact that many of those who carry out inspection team missions are United States nationals, seconded to work with the Special Commission. Colonel Ritter, the Chief Inspector who insisted, with no justification, on gaining access to these two sites, is an officer in the United States army.

On this occasion, I should like to stress the following:

1. The allegations of the Special Commission regarding the concealment of proscribed items, and the existence of secret mechanisms for arranging this concealment are false, and the Commission has no concrete evidence to substantiate them. We have pointed out to the Special Commission that limited operations of no practical value were carried out in 1991 by Hussein Kamil and a very small number of individuals. Subsequent to August 1995, we made all the facts and information related to those operations available to the Special Commission, and it interviewed those involved, and visited the sites of concealment, over a period of several months.

Nevertheless, none of our efforts and sincere and transparent cooperation since August 1995 have affected the determination of the Special Commission to repeat those allegations. This makes us suspect that the aim is to keep matters in a state of flux, and justify the endless continuation of the embargo which serves the well-known purposes of a certain State.

You will recall that last year Mr. Ekeus was repeating allegations that Iraq might retain an operational missile force. After Iraq had submitted conclusive material evidence of the missiles that had been destroyed, and subsequent to the agreement I reached with Mr. Ekeus in February 1997, to the effect that the missiles should be analysed outside Iraq, in order to determine conclusively their material composition, such allegations were heard no more. However, so far the Special Commission has not provided any results from the process of analysis which it would appear has also become a bottomless pit. Here I should like to refer to my letter dated 5 June 1997 to Mr. Ekeus on this matter.

2. Iraq, having allowed the inspection team to inspect 40 of the 43 sites to which the Chief Inspector, Colonel Ritter, requested access, cannot be described as uncooperative. The fact that we denied access to the sites which we have described above cannot be interpreted as a decision by the Government of Iraq to prevent the Special Commission implementing its mandate, as Mr. Ekeus alleges.

3. Given the repeated inquiries of Colonel Ritter when given access to sites related to the security of the Presidency as to the names of the officers responsible for those sites, the detailed tasks of all sections thereof, the men's ability to and methods of carrying out their duties, it became quite clear to us that the aim of gaining access to such sites was not to implement the mandate of the Special Commission, but rather to achieve other purposes unrelated to the Special Commission's mandate and the relevant Security Council resolutions.

This was confirmed to us by his request for access to the site mentioned in 2 above, which he had inspected twice in 1996 under the pretext of investigating the issue of concealment. On neither occasion did he find anything to substantiate his allegations. Anyone with experience of intelligence op-

erations knows that repeated access to such a site is for purposes of updating information about this site, and not in order to verify alleged concealment operations. The same applies to his request to gain access to the political section of the Iraqi Intelligence Service.

4. Iraqi interests call for cooperation with the Special Commission, in order to fulfil the requirements of section C of resolution 687 (1991), so that the Council may, pursuant to its responsibilities, begin to consider implementation of paragraph 22 of the aforementioned resolution. Therefore, any allegation that Iraq is not cooperating is completely illogical.

In accordance with the Charter of the United Nations and the relevant resolutions of the Security Council Iraq has the right to safeguard its national security. It hopes the Security Council, which has always stressed the necessity of respecting Iraq's sovereignty and territorial integrity, will adopt a concrete position embodying that recognition and balancing the rights of the Special Commission with Iraq's legitimate rights. Iraq also hopes that the Council will direct the Special Commission to act within the limits of its mandate, and carry out its work in a business-like and technical manner, without seeking to extend it. The Commission should also submit its final report to the Security Council stating the firm fact that Iraq has fulfilled all its obligations under section C of resolution 687 (1991), thereby enabling the Security Council to proceed quickly to consideration of the implementation of paragraph 22 of resolution 687 (1991).

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Tariq Aziz
Deputy Prime Minister

APPENDIX I

The sites inspected by the UNSCOM 182 team in the period 8-16 March 1997

Ser	*Date*	*Site*	*Location*	*Remarks*
1.	8 March 1997	Special Security Apparatus Section	Baghdad	
2.	8 March 1997	Special Republican Guards Section	Baghdad	
3.	8 March 1997	Iraqi Intelligence Service Headquarters	Baghdad	
4.	9 March 1997	Special Security Apparatus Office	Baghdad	
5.	9 March 1997	Iraqi Intelligence Service Section	Baghdad	
6.	9 March 1997	Special Republican Guards Regiment	Baghdad	
7.	10 March 1997	Special Security Apparatus Office	Baghdad	
8.	11 March 1997	Iraqi Intelligence Service Headquarters	Baghdad	
9.	12 March 1997	Special Republican Guards Regiment	Baghdad	
10.	12 March 1997	Special Republican Guards Unit	Baghdad	
11.	14 March 1997	Salah al-Din Governorate building	Salah al-Din Governorate (Tikrit)	
12.	14 March 1997	College belonging to Ministry of Higher Education	Salah al-Din University (Tikrit)	Inspected jointly with Air Inspection Team (AIT) and UNSCOM 181
13.	14 March 1997	Special Republican Guards Regiment	Salah al-Din Governorate (Tikrit)	Inspected jointly with AIT and UNSCOM 181
14.	14 March 1997	Presidential site	Salah al-Din Governorate (Tikrit)	Inspected jointly with AIT and UNSCOM 181
15.	14 March 1997	Dairy Factory—private sector	Salah al-Din Governorate (Tikrit)	Inspected jointly with AIT and UNSCOM 181
16.	14 March 1997	Warehouses—Ministry of Trade	Salah al-Din Governorate (Tikrit)	Inspected jointly with AIT and UNSCOM 181
17.	14 March 1997	Security office	Salah al-Din Governorate (Tikrit)	Inspected jointly with AIT, UNSCOM 179 and UNSCOM 181
18.	14 March 1997	Office—Military Intelligence	Salah al-Din Governorate (Tikrit)	Inspected jointly with AIT, UNSCOM 179 and UNSCOM 181
19.	14 March 1997	Office—Intelligence Services	Salah al-Din Governorate (Tikrit)	Inspected jointly with AIT, UNSCOM 179 and UNSCOM 181
20.	14 March 1997	Traffic Office—Ministry of the Interior	Salah al-Din Governorate (Tikrit)	Inspected jointly with AIT, UNSCOM 179 and UNSCOM 181
21.	15 March 1997	Presidential site	Salah al-Din Governorate (Tikrit)	Inspected jointly with AIT and UNSCOM 181
22.	16 March 1997	Special Republican Guards Regiment	Baghdad	
23.	16 March 1997	Special Republican Guards Brigade	Baghdad	
24.	16 March 1997	Grain silo—Ministry of Trade	Salah al-Din Governorate (Tikrit)	Inspected jointly with AIT
25.	16 March 1997	Workshop—Ministry of the Interior	Salah al-Din Governorate (Tikrit)	Inspected jointly with AIT
26.	16 March 1997	Regiment—Ministry of the Interior	Salah al-Din Governorate (Tikrit)	Inspected jointly with AIT
27.	16 March 1997	Technical secondary school—Ministry of Education	Salah al-Din Governorate (Tikrit)	Inspected jointly with AIT
28.	16 March 1997	Factory—Ministry of Industry	Salah al-Din Governorate (Tikrit)	Inspected jointly with AIT
29.	16 March 1997	Bread oven—private sector	Salah al-Din Governorate (Tikrit)	Inspected jointly with AIT

APPENDIX II

The sites inspected by the UNSCOM 194 team in the period 3-12 June 1997

Ser	*Date*	*Site*	*Location*	*Remarks*
1.	3 June 1997	Special Republican Guards—Brigade	Baghdad	Inspected jointly with AIT
2.	3 June 1997	Special Republican Guards—Regiment	Baghdad	Inspected jointly with AIT
3.	3 June 1997	Special Republican Guards—Unit	Baghdad	Inspected jointly with AIT
4.	3 June 1997	Factory—Special Republican Guards	Baghdad	Inspected jointly with AIT
5.	3 June 1997	Warehouse—Special Security Services	Baghdad	Inspected jointly with AIT
6.	3 June 1997	Baath party garage	Central Baghdad	
7.	4 June 1997	Special Republican Guards—Regiment	West Baghdad	Inspected jointly with AIT
8.	4 June 1997	Special Republican Guards—Unit	West Baghdad	Inspected jointly with AIT
9.	4 June 1997	Special Republican Guards—Tank Battalion	West Baghdad	Inspected jointly with AIT
10.	4 June 1997	Special Republican Guards—Company	West Baghdad	Inspected jointly with AIT
11.	4 June 1997	Warehouse—Republican Guards	West Baghdad	Inspected jointly with AIT
12.	4 June 1997	Republican Guards—Unit	West Baghdad	Inspected jointly with AIT
13.	4 June 1997	Warehouse—Republican Guards	West Baghdad	Inspected jointly with AIT
14.	4 June 1997	Republican Guards Airport	West Baghdad	Inspected jointly with AIT
15.	4 June 1997	Missile Brigade—Ministry of Defence	West Baghdad	Inspected jointly with AIT
16.	4 June 1997	Military Court—Ministry of Defence	West Baghdad	Inspected jointly with AIT
17.	4 June 1997	Party Office	West Baghdad	Inspected jointly with AIT
18.	4 June 1997	Party Section	West Baghdad	Inspected jointly with AIT
19.	4 June 1997	Warehouse—Ministry of Defence	West Baghdad	Inspected jointly with AIT
20.	4 June 1997	Regiment—Ministry of Defence	West Baghdad	Inspected jointly with AIT
21.	5 June 1997	Special Republican Guards Regiment	Salah al-Din Governorate (Ba'ij)	Inspected jointly with AIT
22.	5 June 1997	An anti-aircraft battery—Special Republican Guards	Salah al-Din Governorate (Ba'ij)	Inspected jointly with AIT
23.	5 June 1997	Military Hospital—Ministry of Defence	Salah al-Din Governorate	Inspected jointly with AIT
24.	5 June 1997	Military Hospital—Ministry of Defence	Salah al-Din Governorate	Inspected jointly with AIT
25.	5 June 1997	Special Republican Guards Brigade	Salah al-Din Governorate	Inspected jointly with AIT
26.	7 June 1997	Security Office	Salah al-Din Governorate	
27.	7 June 1997	Security Office—Special Security Apparatus	Salah al-Din Governorate	
28.	7 June 1997	Special Republican Guards Regiment	Salah al-Din Governorate	
29.	7 June 1997	Special Republican Guards Company	Salah al-Din Governorate	
30.	7 June 1997	Special Republican Guards Office	Salah al-Din Governorate	
31.	8 June 1997	Special Security Apparatus Office	Baghdad	
32.	8 June 1997	Military Academy of the Ministry of Defence	Baghdad	
33.	8 June 1997	Special Republican Guards Unit	Baghdad	
34.	10 June 1997	Intelligence Service Headquarters	Baghdad	Inspected jointly with the UNSCOM 188 team
35.	10 June 1997	An Intelligence Service Section	Baghdad	Inspected jointly with the UNSCOM 188 team
36.	10 June 1997	Intelligence Service Headquarters	Baghdad	Inspected jointly with the UNSCOM 188 team
37.	11 June 1997	Special Republican Guards Battalion	Baghdad	
38.	11 June 1997	Special Republican Guards Brigade	Baghdad	
39.	11 June 1997	Special Republican Guards Regiment	Baghdad	
40.	12 June 1997	Special Republican Guards Regiment	Baghdad	

DOCUMENT S/1997/468

Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina (UNMIBH)

[*Original: English*]
[*16 June 1997*]

I. Introduction

1. The present report is submitted pursuant to paragraph 28 of Security Council resolution 1088 (1996) of 12 December 1996. It summarizes the activities of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) since my report of 14 and 19 March 1997 [*S/1997/224 and Add.1*]. It also provides an overview of the activities of the United Nations system in Bosnia and Herzegovina during the same period.

2. The mission continues to be led by my Special Representative and Coordinator of United Nations Operations in Bosnia and Herzegovina, Mr. Kai Eide (Norway). He is assisted by Mr. Manfred Seitner (Denmark), who serves as the Commissioner of the United Nations International Police Task Force (IPTF).

II. Activities of the Mission

International Police Task Force

3. The authorized strength of IPTF has increased from 1,721 to 2,027 in accordance with Security Council resolutions 1103 (1997) of 31 March 1997, relating to the implementation of the Brcko arbitration award, and 1107 (1997) of 16 May 1997, relating to the additional tasks assigned by the London Conference of the Peace Implementation Council of 4 and 5 December 1996. On 10 June 1997, IPTF had a strength of 1,812 monitors from 38 different countries (see annex). Efforts are continuing with a view to reaching the new authorized strength as quickly as possible.

4. The main goals of the Force continue to be to contribute to the improvement of freedom of movement, to monitor and assist in the establishment of safe conditions for returning refugees and displaced persons, to monitor and assist in the establishment of safe conditions during the forthcoming election campaign and to assist in the restructuring and training of the local police. In this effort, monitoring the activities of the local police has remained a major focus. In addition, investigations are being carried out into allegations of human rights violations by the local police.

5. In order to increase freedom of movement, a new checkpoint policy has been developed by my Special Representative and the IPTF Commissioner in cooperation with the Stabilization Force (SFOR) and the Office of the High Representative and is being introduced. The policy aims to end the practice, common to all parts of the country, that vehicles bearing the licence plates of the other entity, or the other party in the Federation, are regularly stopped and harassed by the local police, thereby preventing the population from exercising its right to move freely around the country. The new policy forbids the local police to hold static checkpoints for longer than 30 minutes, unless prior approval has been obtained from IPTF. The police can apply to IPTF for permits to establish checkpoints based on evidence that they are required for the prevention and reduction of crime and may also establish checkpoints for emergency purposes, provided that IPTF is notified. For implementation, the policy relies on the cooperation of SFOR, which has agreed to assist IPTF in the removal of illegal checkpoints. The Federation Government has endorsed the new checkpoint policy, although local compliance remains unsatisfactory. The Republika Srpska authorities have explicitly refused to accept the new policy. Nonetheless, local police in the Republika Srpska have avoided direct confrontation by abandoning their temporary checkpoints whenever they are approached by joint IPTF/SFOR patrols.

6. In the first three weeks of the new policy, IPTF/SFOR patrols have removed over 40 illegal police checkpoints. Nevertheless, IPTF continues to receive reports of random checks, mainly by the Republika Srpska police. Checkpoints are set up in particular in the area of the Inter-Entity Boundary Line and between areas under the control of the two Federation partners. IPTF is also receiving reports that the harassment of citizens from the other entity, or ethnicity, continues. UNMIBH and SFOR are determined to maintain pressure on the police throughout Bosnia and Herzegovina. At the same time, they continue to work with the authorities of both entities to improve the ability of the local police to combat crime.

7. IPTF has also facilitated freedom of movement by providing advice and guidance to local police on operational issues, as well as by serving as a bridge between the police forces of the Federation and the Republika Srpska. During the reporting period, IPTF ensured close cooperation between the two entities when preparing for the visit of His Holiness the Pope, as well as during the "Hearts to Peace" pilgrimage, the celebrations on "Army Day" and the many graveside visits on the occasion of the Bajram holiday, all of which included travel across the Inter-Entity Boundary Line. This cooperation, together with the overall area security provided by SFOR, ensured that no incidents occurred during those events.

8. In response to the Brcko Implementation Conference of 7 March and Security Council resolution 1103 (1997) in which the Council authorized 186 additional IPTF monitors for Brcko, a full complement of 258 monitors had been deployed in Brcko by 1 June 1997. This quick response was made possible through the redeployment of IPTF officers from other parts of the country pending the arrival of the additional newly recruited officers. IPTF's immediate tasks in Brcko will be to ensure freedom of movement and security for returning refugees and displaced persons and the implementation of a reform programme for the local police. As elsewhere, the success of IPTF's efforts will depend to a considerable extent on the support provided by SFOR. Several meetings at the highest level of the Republika Srpska government, held by my Special Representative and the IPTF Commissioner, as well as the High Representative and the SFOR Commander, have addressed the issue of the IPTF police reform package in Brcko. Regrettably, owing to the

opposition of the Republika Srpska authorities, it has not yet been possible to start this programme.

9. The plan for an integrated Federation Ministry of the Interior has made further progress. Additional training courses for Federation police officers have begun. IPTF has identified a building for the Federation Police Academy in Sarajevo and is working with the Federation Ministry of the Interior on its refurbishment. Following the restructuring of the Sarajevo cantonal police, restructuring efforts were concentrated on the Neretva Canton, which incorporates Mostar. After a prolonged period of negotiations, agreement on the installation of a fully unified Federation police organization was reached on 6 June 1997 by Federation and local Mostar officials. Plans have been made to restructure the remaining eight Federation cantonal police forces by September 1997.

10. A list of equipment, services and training needs required for the national police forces has now been finalized and the first training courses have been initiated in the Federation. The first model police station, at Centar Sarajevo, has been identified and is receiving substantial support from IPTF and the Government of the United States of America. Contributions to the Trust Fund from donor Governments towards the programme for assistance to the local police currently exceed US$ 4 million, but fall well short of the requirements, which remain in excess of US$ 90 million. Additional contributions to the programmes presented in Dublin in September 1996 are urgently required.

11. In its resolution 1107 (1997) of 16 May 1997, the Security Council authorized the addition of 120 IPTF monitors to carry out new tasks assigned by the London Conference. During the reporting period, three further special IPTF investigations were completed with existing monitors, in addition to the investigation of the Mostar incident of 10 February 1997 [*see S/1997/204*]. These new investigations relate to incidents in Gajevi and Brcko, in the Republika Srpska, and in Drvar, in the Federation.

12. The investigation into the failure of the Republika Srpska police to take adequate precautions to prevent the burning of prefabricated Bosniac homes, which occurred in Gajevi in March 1997, concluded that the local police chief and his staff had failed in their duty either to protect the homes or to conduct proper investigations. After pressure was brought to bear on the Republika Srpska Ministry of the Interior to respond appropriately, the Minister informed IPTF that he had identified 12 culprits, four of whom have now been sentenced to fines by a local court. Nine police officers have been disciplined for failing to perform their duty. No action was taken against the two most senior police officers involved.

13. The IPTF investigation in Brcko established that, on 1 May, the Republika Srpska police had failed to protect a group of Bosniacs who were attacked by a small group of stone-throwers as they were returning to the Federation in two buses. The investigation also concluded that Republika Srpska police administrators, supervisors and officers had failed to cooperate with IPTF over the incident. As a result, an investigation was undertaken by the Republika Srpska police that was monitored by IPTF. Four local police officers have been disciplined and six civilians are currently under investigation for minor offences.

14. With regard to Drvar, the IPTF report focused on the burning of 24 unoccupied Serb dwellings between November 1996 and April 1997. The report documented that municipal authorities and local police had colluded to prevent the return of Serb displaced persons. It concluded that senior Bosnian Croat police officers had consistently failed to respond professionally to IPTF's frequent requests that high-ranking officials act to halt this pattern of crime. As a result of the IPTF request, the Chief of the Criminal Police Department and the leader of the Anti-Terrorist and Homicide Branch in Drvar have been replaced and the number of reported incidents has been reduced.

15. IPTF is liaising closely with the Organization for Security and Cooperation in Europe (OSCE) in the Implementation Plan for the September municipal elections. IPTF Election Liaison Officers have been appointed at all levels and have provided support during the registration period, particularly in those areas where fraud in registration and voting lists has been identified. Plans for the training and deployment of IPTF Election Duty Monitors and the local police are in place.

Civil Affairs

16. Civil Affairs continued to support the other elements of the UNMIBH mission and, in particular, IPTF during the period under review through political advice, political reporting, human rights work and confidence-building measures. Steps have been taken to integrate further the various elements of the mission. During the coming period, Civil Affairs will, in addition, become involved in training IPTF officers new to the mission area. As the municipal elections in Bosnia and Herzegovina approach, Civil Affairs will also participate in the OSCE-led effort to create conditions in which voters can make a free and informed choice at the ballot box. In addition, Civil Affairs officers have worked with IPTF to identify areas of possible inter-communal conflict and to initiate political contacts to head off such clashes. Major potential conflicts in the areas of Mostar, Travnik, Vitez, Sanski Most and elsewhere have been successfully avoided thanks to action initiated by Civil Affairs officers.

17. In cooperation with IPTF and other organizations active in the area of human rights, Civil Affairs has focused political efforts on human rights problems in Brcko, Drvar, Jajce and elsewhere. Civil Affairs has intervened with local authorities and has provided case-work which was brought to the attention of the highest authorities in Bosnia and Herzegovina by my Special Representative. Particular emphasis has been placed on police behaviour and related human rights abuses that have occurred when persons belonging to one ethnic group sought to return to homes located in areas currently controlled by authorities of a different group.

18. In addition to nurturing inter-communal contacts on its own initiative, Civil Affairs has continued to provide good offices in parts of the country in which there are no other representatives of the international community. In central Bosnia, for instance, Civil Affairs has chaired seminars on the subject of governance in a federal environment prepared by Swiss experts and officials, which were attended by Bosniac and Croat authorities.

The Legal Office

19. The UNMIBH Legal Office has been supporting IPTF in the implementation of its mandate in relation to the criminal justice system by working with an international expert team on the re-drafting of the Criminal Code and the Code of Criminal Procedure for the Federation; by reviewing model police protocols drafted by the International Criminal Investigative Training Assistance Programme (ICITAP); by advising on the development of mechanisms to document non-compliance of law enforcement officials; by sponsoring a planning workshop on criminal justice reform for international agencies providing programmes; by advising on the development of an administrative review procedure for police certification; and by providing advice on the interpretation of the General Framework Agreement and international standards. In addition, the UNMIBH Legal Office routinely provides advice to IPTF personnel in the field on general questions of local law.

Mine Action Centre

20. During the past three months the Mine Action Centre (MAC) has made substantial progress in the implementation of its 1997 programme, although the scale of the programme had to be cut back because of insufficient funding.

21. On 26 May, training courses for 135 Bosnian deminers, organized by MAC, began in Banja Luka, Tuzla and Mostar. These deminers are the first of those who will be deployed on priority tasks by MAC starting in late June before being integrated into the Government structures when MAC facilities are transferred to the Bosnia and Herzegovina Commission for Demining in December 1997. If funds become available, up to 1,200 deminers will be trained, deployed and transferred to the Government structures at the end of the year.

22. Regional offices of MAC are now fully operational in Banja Luka, Bihac, Mostar and Tuzla. In addition to running the training programmes, the regional offices work with the local authorities and the multinational divisions of SFOR to collect more information about the location of minefields, to set priorities for the mine clearance operations, to promote mine awareness in the areas of the country most affected by mines and to coordinate all mine clearance operations in the regions.

23. MAC continues to cooperate with external agencies. A contract has been signed with an international non-governmental organization for the development of a 30-man demining team in Bihac. In addition, MAC has received 17 technical experts made available by the Governments of Austria, Canada, France, Norway and Sweden. Additional experts are expected by the end of June from Germany and Switzerland. These experts are working on training programmes and on monitoring of operations. MAC continues to assist the European Commission, the World Bank, Norwegian Peoples' Aid and other organizations participating in the Mine Action Plan with their respective demining programmes. Liaison with SFOR and its activities in support of mine lifting by the armies of the former warring factions has been strengthened.

24. The Bosnia and Herzegovina Commission for Demining, established following the London Conference of the Peace Implementation Council in December 1996, has met regularly and taken decisions in line with its mandate. It has submitted a number of reports to the Council of Ministers. Action by the latter to endorse the Commission's reports and to establish a budget for its operations is now a matter of great urgency. Meanwhile, the Governments of the Federation and the Republika Srpska have established project implementation units at both central and regional levels to manage the implementation of World Bank-funded projects.

25. Tragically, the arrival of spring weather and the return of displaced persons and refugees has led to a sharp increase in the number of civilian mine casualties and fatalities reported. This figure has now reportedly doubled to approximately 90 incidents per month and, as more refugees return during the summer, it can be expected that the number will rise further. The demand from municipalities and communities for help with mine clearance is growing correspondingly. It is anticipated that by July 1997 a total of 700 deminers will be engaged in mine clearance for the organizations participating in the Mine Action Plan. This is well short of the basic requirement of 2,000 deminers identified in the United Nations consolidated appeal for 1997.

26. MAC itself faces an immediate funding crisis. Contributions were received in 1996 and early 1997 from the Governments of Canada, Denmark, France, Japan, the Netherlands, Sweden, Switzerland and the European Commission, together with in-kind support from the Government of the United States of America. However, even at a reduced level of operation, these funds are expected to be exhausted next month. In view of the delays in the receipt of funds, the revised requirement for 1997 has been set at US$ 23 million, a modest amount considering the enormous benefits to the people of Bosnia which will result. Support from donor Governments is now urgently required.

Trust Fund Unit

27. The Trust Fund Unit, established under Security Council resolution 900 (1994), was transferred to UNMIBH from the Office of the Special Coordinator for Sarajevo in May 1996. Guided by terms of reference which cover the "reconstruction of essential services" in Sarajevo, the Unit continues to monitor the implementation of 52 large-scale infrastructure projects initiated under the Sarajevo Trust Fund programme, which has disbursed over US$ 13 million for projects primarily in the sectors of public transport, public utilities and building reconstruction. The Unit also manages the Quick Impact Fund. With nearly 90 projects in progress, this fund has distributed over US$ 2.4 million, mainly towards the renovation of educational facilities, repair to gas and water delivery systems and support to municipal authorities in Sarajevo.

III. Activities of the United Nations system

Food and Agriculture Organization of the United Nations

28. The Office for Coordination of Emergency Agricultural Interventions of the Food and Agriculture Organization of the United Nations (FAO) identifies beneficiaries for humanitarian assistance in the agricultural sector; assesses needs for relief; provides technical advice to non-govern-

mental organizations and other agencies and coordinates their activities. The office also organizes monthly joint task force meetings with international agencies and the responsible local authorities.

29. Limited funds have restricted FAO's spring 1997 campaign to emergency assistance amounting to US$ 135,000 for seeds, hand tools, fertilizers and crop protection chemicals in the Gorazde area. In addition, the FAO coordination project has distributed donations from Germany to the Neretva Canton municipalities.

United Nations Children's Fund

30. The United Nations Children's Fund (UNICEF) has progressed from emergency relief to long-term reconstruction and development assistance with an emphasis on training service providers and policy makers to meet the needs of children in the post-war period. In the health sector, UNICEF focuses its activities on children under the age of five who have not completed their primary vaccination schedule. In education, UNICEF is sponsoring monthly round tables to facilitate communication between the Federal and Cantonal Ministries of Education and to develop long-term training plans for the development of school psychological and special pedagogical services. UNICEF's Safe Water Supply project ensures that some 500,000 people each receive a minimum of 80 litres of potable water and trains the Water Management Institute of Bosnia and Herzegovina on new technology. In cooperation with the World Health Organization (WHO) and the World bank, UNICEF is assisting the Ministries of Health and Social Welfare in dealing with child mental health services.

United Nations Development Programme

31. The United Nations Development Programme (UNDP) Country Cooperation Framework for 1997-1999 was formally approved in May 1997. The focus remains on area-based development; support to national sectoral reconstruction programmes; and policy advisory support to the Government. Thirty-two projects totalling US$ 25.1 million are ongoing or have recently been approved. The European Commission has recently agreed to make an additional US$ 11 million available for reconstruction activities and has given its approval to an emergency employment programme which will focus on the municipalities identified by the Office of the United Nations High Commissioner for Refugees (UNHCR) as target areas for the return of refugees in 1997.

United Nations Educational, Scientific and Cultural Organization

32. The United Nations Educational, Scientific and Cultural Organization (UNESCO) focused on the following four major projects during the reporting period: (*a*) preparation of a rehabilitation plan for the old town of Mostar which, it is anticipated, will be written into the town plan; (*b*) an exercise in the Republika Srpska to help the authorities establish priorities in school reconstruction; (*c*) an increase of the administrative and planning capacity of both the education administration of the Middle Bosnia Canton and the Federal Ministry of Education and Culture; and (*d*) supporting the efforts of Bosnia's National TV 99 to extend its broadcasting area by financing the raising of the station's transmission tower, and helping small independent media in the Republika Srpska by contributing communications equipment.

United Nations High Commissioner for Human Rights

33. The Commission on Human Rights, in its resolution 1997/57, extended the mandate of the Special Rapporteur through March 1998. Following the resignation of the United Nations Expert on Missing Persons, the Special Rapporteur has assumed added responsibility for the problem of missing persons. The Office of the United Nations High Commissioner for Human Rights organized one mission of the Special Rapporteur to Herzegovina and the Sarajevo region during the current reporting period.

34. The Office of the High Commissioner for Human Rights continues to participate in efforts aimed at strengthening cooperation between human rights agencies, in particular the Human Rights Coordination Centre of the Office of the High Representative. Human rights experts from the office continue to supervise a trial monitoring project and participate in other activities aimed at strengthening the rule of law in Bosnia and Herzegovina.

Office of the United Nations High Commissioner for Refugees

35. During the period under review, UNHCR continued its efforts to implement annex 7 of the Dayton Peace Agreement. On 23 April, at a meeting of the Humanitarian Issues Working Group in Geneva, the Office presented a working plan entitled Repatriation and Return Operation 1997, which received broad support from the authorities of Bosnia and Herzegovina, the asylum countries and the international community. The document, which forms the basis of UNHCR's action in 1997 and 1998, provides a policy framework for repatriation and return movements, as well as for assistance to be provided to facilitate repatriation and return movements. It also contains a range of proposed activities and solutions to the problems of Bosnian refugees and internally displaced persons.

36. It is estimated that, by 31 May 1997, 27,900 refugees had returned to Bosnia and Herzegovina, 6,424 of them in an organized fashion. Most of these refugees returned to majority areas.

37. Efforts to provide greater scope for minority returns were made through the "open cities" initiative. Building upon grass-roots initiatives, UNHCR and its partners offer support and material assistance to villages and municipalities which volunteer to declare themselves "open cities" by welcoming previous residents from all ethnic communities who wish to return to their former homes. UNHCR is now seeking to ensure that authorities in the Entities follow through on their commitment to the open city concept, which was announced in a joint statement issued on 21 March 1997, and that they continue their support for returns to the Zone of Separation.

38. In related activities, UNHCR has set up legal aid centres in Tuzla, Mostar, Bosanska Krupa and Zenica. Information centres for returnees and displaced persons have been established in the Tuzla-Podrinje Canton and in the Mostar region. The Repatriation Information Centre has also become operational. To further promote the freedom of

movement of people. UNHCR has continued to expand and improve the services of the bus lines which traverse the Inter-Entity Boundary Line. By May 1997, UNHCR was operating 11 bus lines between key municipalities of the Federation and the Republika Srpska, including a new line to and from Brcko. Since the project began in May 1996, the lines have transported nearly 340,000 passengers. Assessment visits to homes of origin continued.

40. UNHCR has also devoted considerable efforts to the following activities: community services, with special emphasis on the elderly, children and youth and severely traumatized persons; and small-scale income generating activities and local capacity-building for public institutions and non-governmental organizations. UNHCR's procurement of domestic items fully shifted to support of the local market. The impact of the Bosnian Women's Initiative through May 1997 was significant as it received numerous applications from women's groups and non-governmental organizations in the Federation and the Republika Srpska. Funding for 65 projects was approved during the period. These community-based projects target the most vulnerable women through income generation, micro-credit, food production, skills training and information sharing. The Initiative has contributed to empowering women and creating a ground for reconciliation.

World Bank

40. The World Bank's mission in Bosnia and Herzegovina continues to implement the reconstruction programme approved by the international community at the Brussels conference in December 1995. The Bank is also helping Bosnia and Herzegovina introduce reforms in the economic system to permit a more market-friendly economic development. A total of US$ 350 million in World Bank funds has been mobilized in 16 specific projects to date. In addition, a fund of US$ 150 million is being managed by the Bank for co-financing these projects. The value of the projects prepared by the Bank, now in implementation phase, exceeds US$ 1 billion. As of mid-March 1997, contracts signed using World Bank-administered funds totalled 1,525, for a value of US$ 230 million.

41. The World Bank continues to help coordinate the work of donors participating in the reconstruction programme. Particular support has been provided to UNHCR for its priority refugee return programme. The Bank has been able to mobilize substantial resources to rebuild houses in the UNHCR target zones and to implement job-creation programmes and other schemes for infrastructure development. Other agencies playing a key role with the World Bank in coordinating reconstruction are: FAO, UNESCO, the World Health Organization (WHO) and the International Labour Organization (ILO). These agencies lead reconstruction task forces set up by the World Bank covering agriculture, health, water and employment. The World Bank and UNDP have closely coordinated programmes, resulting in an excellent leverage of UNDP efforts.

World Food Programme

42. The World Food Programme (WFP) has continued to implement its 1997 strategy for phasing down food aid, including the full reassessment of the beneficiary caseload in conjunction with the local authorities. It is building up a register of the vulnerable who are in need of humanitarian support and de-selecting those beneficiaries who are now able to support themselves and their families. In February, the beneficiary caseload was 1,780,002; by June this figure will have been reduced by 25 per cent to 1,337,817. Of this total, 320,004 people have been identified as most vulnerable and are receiving a higher ration. The assessment process is continuing and this figure will rise over the coming months. At the end of May, a WFP-led Joint Food Aid Needs Assessment Mission started visiting all parts of the country. This mission is assessing the need for continued food aid and reviewing the targeting approach.

43. WFP has begun using food aid to support a number of small-scale, short-term socio-economic rehabilitation projects aimed at helping beneficiaries in the transition away from free food hand-outs by creating employment, supporting training and promoting self-sufficiency. In addition, WFP continues to support the milling industry in Bosnia and Herzegovina. Wheat grain donated by the United States of America is being processed at six mills and further donations of grain are expected from Canada and Italy. In May, WFP began a rehabilitation project at the Bihac Mill to repair war-damaged infrastructure and replace machinery.

World Health Organization

44. The World Health Organization (WHO) has succeeded in re-establishing communications among health professionals from various communities in many areas. The reform and reconstruction of the health system also continues to progress, even in the face of reticence from the political authorities. In the Federation, a working draft of the Strategic Plan for Health System Reform is expected to be completed in June. In addition, the Republika Srpska's Strategic Plan for Health System Reform has been completed and will be presented shortly to the Republika Srpska Assembly for parliamentary approval.

IV. OBSERVATIONS

45. I warmly welcome the conclusions of the Peace Implementation Council Ministerial Steering Board, held at Sintra, Portugal, on 30 May 1997 [*see S/1997/434*], at which the Governments of the countries members of the Steering Board agreed to take strong measures in support of United Nations priority concerns, including freedom of movement, police reform, refugee return and compliance with the International Tribunal for the former Yugoslavia.

46. The ability of IPTF and other branches of the United Nations to operate effectively in Bosnia and Herzegovina depends largely upon the presence on the ground of a credible military force. Cooperation between SFOR and the United Nations is presently excellent. It is in large part owing to the support provided by SFOR that IPTF has been able to make progress recently. Any serious erosion of the credibility of the military component would have an immediate and negative impact on key United Nations operations. In particular, the withdrawal or large-scale reduction of SFOR would render the position of IPTF in Bosnia and Herze-

govina largely untenable and would affect negatively other vital United Nations operations, such as those of UNHCR. This situation, in which civilian work can only progress in the context of the continued presence of a credible international military force, is expected to continue for at least the coming year, i.e., during the consolidation period.

47. Another indispensable element to the success of the civilian operation is the willingness of Member States to intervene at the political level. This was demonstrated clearly in the case of IPTF's investigations into alleged human rights abuses by the local police forces. Following the release of the IPTF report on an attack perpetrated by the Bosnian Croat police in Mostar and the issuance of a presidential statement by the Security Council, one Member State intervened with the Bosnian Croat authorities and with those of the Republic of Croatia. That intervention, coupled with United Nations action on the ground, can be credited with bringing about positive changes in Mostar. While the situation in the city remains difficult, it is undeniable that it has improved significantly.

48. The agreement on the Neretva Canton Police, which involved long negotiations to resolve difficult political issues between the Federation partners, illustrates a welcome trend towards cooperation and problem solving. This improved climate provides the context for the next phase of IPTF activity, particularly in the area of police reform.

49. On the other hand, the refusal of the Republika Srpska Government to cooperate fully with IPTF in the implementation of its mandate is a matter of great concern. A concerted effort by the international community is required to ensure compliance by the Government of the Republika Srpska with all elements of annex 11 to the General Framework Agreement for Peace.

50. Finally, I wish to stress that, in addition to political support required from Governments, financial support, both for the Police Assistance Programme and for the Mine Action Centre, is urgently required to enable the mission to accomplish its goals.

ANNEX

Composition of the International Police Task Force as of 10 June 1997*

Argentina	64
Austria	28
Bangladesh	30
Bulgaria	46
Canada	20
Chile	14
Denmark	17
Egypt	34
Estonia	9
Finland	19
France	120
Germany	166
Ghana	67
Greece	9
Hungary	11
India	95
Indonesia	18
Ireland	35
Italy	23
Jordan	136
Malaysia	47
Nepal	43
Netherlands	60
Nigeria	16
Norway	10
Pakistan	79
Poland	20
Portugal	60
Russian Federation	20
Senegal	32
Spain	46
Sweden	40
Switzerland	4
Tunisia	5
Turkey	27
Ukraine	79
United Kingdom of Great Britain and Northern Ireland	30
United States of America	215
TOTAL	1,812

* The number of civilian police monitors may vary owing to rotations.

DOCUMENT S/1997/471

Letter dated 17 June 1997 from the representative of Denmark to the Secretary-General

[Original: English]
[18 June 1997]

I have the honour to bring to your attention, with specific reference to the question of an enhanced presence of the Organization for Security and Cooperation in Europe (OSCE) in Eastern Slavonia (Croatia), a statement by the Ministers of the OSCE Troika issued at Copenhagen on 10 April 1997.

I should be grateful if you would have the present letter and its annex circulated as a Security Council document.

(Signed) Theis TRUELSEN
Charge d'affaires a.i.
of the Permanent Mission of Denmark
to the United Nations

ANNEX

Statement issued by the Ministers of the Troika of the Organization for Security and Cooperation in Europe at Copenhagen on 10 April 1997

The Ministers of the Troika of the Organization for Security and Cooperation in Europe (OSCE), the Foreign Ministers of Poland, Switzerland and Denmark, met today in Copenhagen.

On the situation in Albania, the Ministers expressed their support for an OSCE presence. They confirmed that the OSCE stands ready to provide a framework for coordinating the international effort and encouraged the Personal Representative of the Chairman-in-Office of the OSCE, Mr. Vranitzky, to continue his work in this regard. They welcomed the speedy decision of the Security Council to authorize the deployment of a multinational

protection force to Albania and expressed their support for those countries offering to participate in such a force.

The Ministers reaffirmed the importance of a timely conduct of the local elections in Bosnia and Herzegovina and of securing a sound financial basis for the OSCE preparation and conduct of them. They expressed their appreciation to former Minister for Foreign Affairs of Italy, Mrs. Agnelli, for accepting the tasks of Personal Representative in charge of fund raising. Recalling the paramount importance of those elections for the future peaceful development of Bosnia and Herzegovina and the commitment made at the Lisbon summit, they encouraged all OSCE member States to contribute to this effort.

The Ministers found that the situation in Belarus still gave grounds for serious concern. The Ministers expressed their expectation of a constructive Belarusian follow-up to the report from the European Union Fact-Finding Mission. They expressed their satisfaction that a visit by the Personal Representative of the Chairman-in-Office to Minsk would now take place. They reiterated the willingness of OSCE to assist in facilitating democratic reforms.

The Ministers agreed to continue the preparation of an enhanced OSCE presence in Eastern Slavonia (Croatia) after the departure of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium in order to ensure long-term monitoring of human rights.

In the context of the regional engagement of OSCE, the Ministers agreed that a general OSCE-budget reform was urgently needed to bring resources in line with operational decisions.

The Chairman-in-Office informed the Troika of his recent meetings with representatives of the Government and opposition of the Federal Republic of Yugoslavia. The Troika expressed concern over the lack of dialogue on democratic reform in Serbia and expressed support for the continued effort by the Chairman-in-Office to promote such a dialogue. The Ministers urged the Belgrade Government to cooperate with the Personal Representative of the Chairman-in-Office, Mr. Max van der Stoel, in dealing with the Kosovo issue.

The Ministers discussed the situation in the former Yugoslav Republic of Macedonia. Ministers welcomed the recent declaration of the Parliament of the former Yugoslav Republic of Macedonia on promoting inter-ethnic trust and respect. They underlined the need for all parties to engage in a constructive inter-ethnic dialogue aiming at solutions based upon OSCE principles and full respect for the Constitution.

DOCUMENT S/1997/473

Letter dated 18 June 1997 from the representative of Iraq to the President of the Security Council

[Original: Arabic]
[19 June 1997]

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 18 June 1997 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq. The Minister states that on 18 June 1997 a joint Special Commission/International Atomic Energy Agency inspection team searched monasteries and churches in Baghdad on the basis of a written order from the Executive Chairman of the Special Commission, Ambassador Rolf Ekeus, and that this represents an affront to the places of worship of Iraqi Christians.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Nizar HAMDOON
Permanent Representative of Iraq
to the United Nations

ANNEX

Letter dated 18 June 1997 from the Minister for Foreign Affairs of Iraq to the President of the Security Council

I should like to inform you hereunder of the actions of the Special Commission and of its Executive Chairman, Mr. Rolf Ekeus, on 18 June 1997.

1. At 1625 hours on 17 June, the Chief Inspector of the EG-6 import/export monitoring group at the Baghdad Monitoring and Verification Centre (BMVC) contacted the Iraqi side with the information that his activity for 18 June would be a surprise visit setting out from the Canal Hotel at 0900 hours. On completing his own task for 17 June, the Chief Inspector of the nuclear group also informed the escorts of a surprise visit to take place at the same time.

2. At 0900 hours on 18 June, the Iraqi escorts were waiting for the two teams at the entrance to the Canal Hotel. They were nevertheless surprised when it transpired that the inspection groups had five cars instead of two. It subsequently became clear that a number of the members of monitoring groups at the BMVC had been added to the nuclear and import/export groups without prior notice.

3. At 0930 hours the monitoring groups arrived in Za'faraniyah, in an area where there are the following installations:

(*a*) Za'faraniyah telephone exchange;

(*b*) Za'faraniyah cinema and theatre;

(*c*) Saint Joseph's Monastery, with Saint Paul's Church;

(*d*) Sayyidat al-Sanabil Convent;

(*e*) A dormitory for students at the Institute of Technology;

(*f*) A cinematographic store and laboratory belonging to the Department of Cinema and Theatre of the Ministry of Culture and Information.

The Canadian Chief Inspector, George Healey of the International Atomic Energy Agency, handed the representative of the National Monitoring Directorate a notification of inspection dated 28 January 1997 and signed by Rolf Ekeus, Executive Chairman of the Special Commission (see attachment).

4. At 0950 hours the team divided into three groups, and an inspection was carried out of the telephone exchange, the dormitory, the theatre, the cinema and the laboratory belonging to the Ministry of Information. In this tour, the team used a radiation detector and a device for detecting the presence of chemicals.

5. At 1030 hours the Special Commission team entered Saint Joseph's Monastery with the radiation detector and began to carry out a radiometric survey of the gardens and grounds. The team members then entered all of the buildings with the radiation detector, asking what was the nature of the rooms and the number of employees and when the monastery had been built. They asked to be introduced to the priest and the sister on the pretext of wanting to make their acquaintance. When the inspection was over, they asked them if they had any problems! Their answer was in the negative. It should be noted that there were in the monastery church at that time pupils having lessons on Christian religious doctrine.

6. At 1100 hours George Healey, the radiation detector with him, entered the Sayyidat al-Sanabil Convent and met the sister present there at that time. She indicated to him that she was not the mother superior. The representative of the Iraqi side pointed out to the Chief Inspector that what the team members were doing was an affront to places of worship. Chief Inspector Healey nevertheless insisted on carrying out an immediate inspection, and he entered the convent and conducted a radiometric survey in the grounds and inside the buildings in the same manner as before.

It came to us as a great shock to hear the statement of Rolf Ekeus, Executive Chairman of the Special Commission, absolving himself of the disgraceful act committed by the inspection team against places of worship in Baghdad.

The inspection team carried out this action in compliance with a written order from the Executive Chairman of the Special Commission, Rolf Ekeus. Even supposing that Mr. Ekeus had not known what the team was doing, it could not be any the less shocking, because that would mean that inspection teams can act in a purposefully detached manner in accordance with instructions from sources other than the Special Commission. The present case confirms the facts that were established by Mr. Tariq Aziz, Deputy Prime Minister of the Republic of Iraq, in his letter of 15 June 1997 addressed to you.

Mr. Tariq Aziz concluded his aforesaid letter by asserting that in accordance with the Charter of the United Nations and the relevant resolutions of the Security Council Iraq has the right to safeguard its national security. It hopes the Security Council, which has always stressed the necessity of respecting Iraq's sovereignty and territorial integrity, will adopt a concrete position embodying that recognition and balancing the rights of the Special Commission and Iraq's legitimate rights. Iraq also hopes that the Council will direct the Special Commission to act within the limits of its mandate and carry out its work in a business-like and professional manner and without seeking to prolong it. The Commission should complete its work and submit its final report to the Security Council stating the firm fact that Iraq has discharged all its obligations under section C of resolution 687 (1991).

The inspection team went to great lengths on 18 June 1997 to fabricate pretexts and allegations concerning the presence of nuclear and other materials in a telephone exchange, a cinema, a theatre, a student dormitory and a cinematographic store and laboratory. It then affronted the places of worship of Iraqi Christians and inspected Saint Joseph's Monastery, Saint Paul's Church and the Sayyidat al-Sanabil Convent on the same preposterous pretexts. We therefore call upon you and, through you, upon all who are fair-minded among the members of the Security Council, to do justice by Iraq by putting an end to the deliberate pattern of unprofessional conduct on the part of the Special Commission. The Special Commission should submit its final report to the Security Council stating the firm fact that Iraq has discharged all its obligations under section C of resolution 687 (1991), and the Security Council should proceed on an urgent basis to consider the implementation of paragraph 22 of that resolution.

(*Signed*) Mohammed Said Al-Sahaf
Minister for Foreign Affairs of the Republic of Iraq

APPENDIX

UNSCOM - UNITED NATIONS SPECIAL COMMISSION

Reference: NY/IAEA

Notification of inspection site in accordance with Council Mission Security Council resolutions 687 and 715 (1991)

Pursuant to the provisions of Part C of the United Nations Security Council resolutions 687 and 715 (1991), the Special Commission has designated for inspection an area in and around an establishment/facility in the vicinity of 33.18 N/044.30 E.

(*Signed*) Rolf EKEUS
Executive Chairman
Special Commission

New York
28 January 1997

DOCUMENT S/1997/474

Letter dated 12 June 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (*b*) (i) of Security Council resolution 687 (1991) to the President of the Security Council

[*Original: English*]
[*19 June 1997*]

On 10 June 1997, the Government of Iraq denied a Commission inspection team access to a site designated for inspection. On 12 June 1997, access to two further designated sites was denied. The Commission's staff informed the Iraqi representatives that these denials were in violation of the provisions of the Security Council resolutions, the Joint Programme of Action and the modalities for inspection of sensitive sites. This was acknowledged by the Iraqi officials who, nonetheless, confirmed the refusal of access, stating they were doing so on the highest authority.

I am awaiting the full details from the Chief Inspectors of the inspection teams involved of the events surrounding these denials before presenting a full report to the Council. However, in the light of the events recorded in the first paragraph, the Commission is concerned that a decision has been taken by the Government of Iraq to prevent full implementation of the Commission's mandate.

I would be most grateful if you could bring this letter to the attention of the members of the Security Council. I will be ready, at the middle of next week, to present an oral report to the Council with all the necessary details, if the Council so wishes.

(*Signed*) Rolf EKEUS
Executive Chairman

DOCUMENT S/1997/475

Letter dated 19 June 1997 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (*b*) (i) of Security Council resolution 687 (1991) to the President of the Security Council

[Original: English]
[19 June 1997]

My attention has been drawn to a letter of 18 June 1997 [*S/1997/473*], addressed to you by the Minister for Foreign Affairs of Iraq, concerning the activities on that day of a team composed of personnel from the monitoring groups of the International Atomic Energy Agency (IAEA) and the Special Commission stationed in Baghdad. Given the various allegations made by the Minister for Foreign Affairs, I believe it is necessary for me to provide an account of what, in fact, took place so far as the Commission's participation was concerned.

On 18 June 1997, an inspection was planned to take place in the Za'faraniya district in Baghdad. The Chief Inspector was provided by IAEA, while the Commission's inspectors came from the export/import and chemical groups. The mission was to undertake an inspection of an area designated by the Executive Chairman of the Special Commission. It will be recalled that, under the relevant resolutions of the Security Council, the right to make such designations is vested solely in the Commission, which makes such designations on its own behalf and on behalf of IAEA when requested. These designations (notice of inspection sites), which are provided to the Iraqi counterparts, do not identify specific structures, instead providing the geographic coordinates of the area to be inspected. Such designations are made only in respect of areas which have not previously been inspected. In this case the area is part of a neighbourhood which comprises a number of buildings and facilities of a very diverse nature which were previously designated and are currently under monitoring.

The team inspected certain structures within the geographic coordinates provided in the designation. However, the Commission's sub-teams did not participate in the visit to the religious buildings referred to in the Foreign Minister's letter, instead inspecting other structures and buildings in the designated area. I understand that IAEA will be writing to you to explain more fully the nature of the participation of its personnel in the events referred to by the Foreign Minister.

In the light of the foregoing, the Commission rejects the unwarranted allegations made by the Foreign Minister regarding the designation made by the Executive Chairman and the conduct of the Commission's personnel.

(Signed) Rolf EKEUS
Executive Chairman

DOCUMENT S/1997/478

Twenty-third progress report of the Secretary-General on the United Nations Observer Mission in Liberia

[Original: English]
[19 June 1997]

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1100 (1997) of 27 March 1997, by which the Council extended the mandate of the United Nations Observer Mission in Liberia (UNOMIL) until 30 June 1997 and requested me to keep the Council informed on a regular basis of the situation in Liberia, and, in particular, of significant developments in the electoral process, and to submit a report by 20 June 1997. The report provides an update on developments in Liberia since my previous report dated 19 March 1997 [*S/1997/237*], and contains an assessment of the status of preparations for the forthcoming elections.

II. POLITICAL ASPECTS

2. Since my last report, the electoral process in the country has shown significant progress. The Liberian Independent Elections Commission, which is responsible for organizing and conducting the elections, was installed on 2 April 1997, while the reconstituted Supreme Court, which is to adjudicate in electoral disputes, was installed on 7 April, in each case about one month later than anticipated by the schedule set by the Committee of Nine of the Economic Community of West African States (ECOWAS). These delays caused preparations for the elections to fall behind schedule, and cast serious doubt on prospects for holding credible elections by 30 May 1997, the date originally set.

3. UNOMIL and the Monitoring Group of ECOWAS (ECOMOG), however, have continued to make their own preparations for the elections. As explained in section IV below, UNOMIL civilian electoral observers have been deployed to all 13 counties of Liberia, and preparations are under way to deploy the 200 observers envisaged in my report of 19 March to observe the election itself. The Office of the United Nations High Commissioner for Refugees (UNHCR) has started repatriating those Liberians in the subregion who wish to return immediately to participate in the elections. Meanwhile, the implementation of bridging programmes has gathered pace and arrangements are being

made to ensure that these programmes are followed up by reintegration activities. At the same time, ECOMOG has continued to receive additional troops and to extend its presence, thus ensuring continued security and encouraging the civilian population to move freely throughout the country. ECOMOG deployment in areas along the borders with the neighbouring countries has also encouraged some refugees to return to those areas, albeit in small numbers.

4. Between 24 and 27 April, an ECOWAS assessment team led by the Foreign Minister of Nigeria, Chief Tom Ikimi, and comprising the Foreign Minister of Guinea, Mr. Lamine Camara, and the Deputy Foreign Minister of Ghana, Mr. Victor Gbeho, visited Liberia to evaluate the status of the electoral preparations. Following extensive consultations with the Liberian Council of State, the Independent Elections Commission, the registered political parties and UNOMIL, the assessment mission focused on the electoral package presented by the Elections Commission, consisting of a draft electoral law, a code of conduct for political parties, a calendar of electoral activities and a budget.

5. The assessment team made a number of decisions designed to underline ECOWAS determination to exercise close control over the electoral process. It decided to reduce the $9.5 million electoral budget proposed by the Elections Commission to $5.4 million, consisting of $4.7 million for the operational aspects and $700,000 for personnel costs.

6. Concerning the timetable for the elections, the Elections Commission requested the assessment team to reconsider the 30 May election date set under the Abuja Agreement *[S/1995/742, annex]*, and indicated that 74 more days would be required in order to prepare adequately for the elections. The registered Liberian political parties also unanimously requested the ECOWAS team to extend the electoral schedule, many of them expressing a preference for postponing the elections until October 1997.

7. Having carefully reviewed the situation, UNOMIL also took the view that it would not be possible to hold credible elections on 30 May. Accordingly, on 1 May, I wrote to General Sani Abacha, Chairman of ECOWAS and Head of State of Nigeria, to express my concern that insufficient time was being allowed to complete the technical aspects of the election process and that a minimum of 70 days from the enactment of the electoral law would be required for that purpose. Taking note of the assessment team's decision that ECOWAS should assume greater responsibility for the physical and logistical aspects of the electoral process, including transportation and the procurement of electoral materials, I strongly emphasized the importance of early, detailed and meticulous planning by ECOWAS in carrying out those tasks. I also recalled the need to establish a joint coordination mechanism, as outlined in my report to the Security Council of 19 March, in order to ensure adequate coordination between the United Nations and ECOWAS in the preparation for the elections. I also wrote to the Secretary-General of the Organization of African Unity (OAU) to invite OAU to participate in the mechanism.

8. In a letter dated 5 May, the Chairman of ECOWAS apprised me of the outcome of the assessment mission and informed me that the assessment team had recommended a 30-day extension of the electoral calendar, on which he was consulting with other ECOWAS Heads of State with a view to taking the necessary decision. He also stated that the assessment team had noted that a substantial number of refugees still remained outside the country and he renewed the call for the United Nations to facilitate the immediate return to Liberia.

9. On 6 and 13 May, informal consultations were held in New York with the participation of ECOWAS member States and major donors to discuss preparations for the proposed reconvening at the ministerial level of the Special Conference to Support the Peace Process in Liberia. At those consultations, a consensus emerged that security conditions in Liberia were conducive to the holding of elections and that the objective was to hold credible, free and fair elections at the earliest date that was technically feasible. It was recognized, however, that it was no longer technically feasible to hold elections on 30 May and that a credible electoral calendar needed to be established. The participants also agreed that it was in the interest of all to increase the flow of information and to improve coordination among all partners involved in preparations for the elections. Accordingly, my Special Representative, the mediation team and donor representatives in Monrovia established a standing committee to meet regularly in Monrovia to facilitate the resolution of the technical questions arising during the electoral preparations. In addition to representatives of UNOMIL and the concerned United Nations agencies, the standing committee comprises the Elections Commission and the members of the mediation team, that is, the Ambassadors of Guinea, Nigeria, Sierra Leone and the United States of America, as well as donor representatives. I informed the Chairman of ECOWAS of these developments in a further letter to him dated 9 May.

10. An Extraordinary Summit Meeting of the ECOWAS Committee of Nine on Liberia was convened in Abuja on 21 May to decide on the date of the Liberian elections, as well as on the electoral law and the budget. The Summit was preceded on 16 May by a Ministerial Meeting of the Committee of Nine and by consultations among the Chairman of ECOWAS, the leaders of the registered Liberian political parties, the signatories to the Abuja Agreement, and members of the Independent Elections Commission.

11. In the course of these consultations, the political parties proposed amendments to the draft electoral law to include the use of a single ballot for presidential and legislative candidates, and the counting of ballots at the polling stations rather than in a centralized location. The Summit Meeting approved the electoral law as amended by the political parties. It also approved the extension of the tenure of the Liberian Council of State, as presently constituted, until the inauguration of the new Government.

12. The Summit decided on an effective extension of the electoral schedule by some 60 days, that is, that the election for the legislative assembly and the presidency should take place on 19 July, with the new Government to be inaugurated on 2 August. However, should a run-off election for the presidency be necessary, it would be held on 2 August, with the inauguration of the new Government taking place on 16 August. The Summit also approved the reduced electoral budget of $5.4 million.

13. On 12 June, the Special Conference to Support the Peace Process in Liberia was reconvened in Geneva at the

ministerial level, with the participation of concerned Ministers from the Netherlands (representing the European Union (EU)), Liberia, Nigeria (on behalf of ECOWAS), Zimbabwe (representing OAU), Burkina Faso and Côte d'Ivoire, and under the chairmanship of the United Nations. Participants pledged in excess of $15 million in contributions to the Liberian peace process, including the electoral process, much of which has already been disbursed. In particular, the Government of Ghana pledged $300,000 for the elections, EU pledged $3.7 million to cover the priority items listed in the electoral budget, the Government of Japan announced that it was considering the possibility of leasing a helicopter to support the electoral process, the United States Government announced its contribution of $2.4 million for the electoral process and additional support for ECOMOG, including communications equipment and two additional helicopters for the peacekeeping force, the Government of Denmark will provide and transport ballot boxes and support the training of trainers, and OAU announced that it had donated $200,000 for the elections. The Minister for Foreign Affairs of Liberia announced that the Liberian National Transitional Government had so far disbursed $325,000 towards the administrative costs of the elections, as well as providing housing for the elections commissioners. The Governments of Belgium, Canada, Germany, Norway, Sweden and the United Kingdom of Great Britain and Northern Ireland announced that they would send at least three electoral observers each. Chief Ikimi expressed readiness to cooperate with the United Nations in a joint coordination mechanism. Assistant Secretary-General Ibrahima Fall, who chaired the Special Conference, has been discussing the modalities of the mechanism with Chief Ikimi. Proposals to reconvene the Special Conference, either before the elections or upon the installation of the new Government, are under discussion.

14. A total of 12 political parties that are expected to participate in the elections have registered with the Independent Elections Commission. These parties have been engaged in selecting their candidates for the presidential elections and some have established offices in various counties.

15. Mr. Antiony Nyakyi ended his assignment as my Special Representative for Liberia on 16 April 1997. He was succeeded by Mr. Tuliameni Kalomoh, who arrived in Monrovia on 28 April. I wish to pay tribute to Mr. Nyakyi for the excellent services he rendered in the cause of peace in Liberia, in particular for the important contribution he made to the achievements of UNOMIL.

III. Military aspects

Security situation

16. Relative peace and stability have continued to prevail throughout Liberia and the country is now considered secure enough for elections to take place nationwide. Although a few minor incidents have occurred in various parts of the country, ECOMOG has been able to control the security situation quickly and effectively in all cases.

Disarmament

17. Since the end of the official disarmament period on 9 February 1997, a total of 132 ex-fighters have disarmed voluntarily at Rivercess, Grand Kru and Grand Gedeh counties where disarmament could not take place earlier because of the inaccessibility of these areas. As at 13 June, the cumulative total of arms and ammunition recovered and verified by military observers was 10,036 weapons and more than 1.24 million assorted pieces of ammunition, while approximately 3,750 weapons had been reported surrendered to ECOMOG outside the official disarmament sites. In addition, ECOMOG cordon-and-search operations have led to the recovery of approximately 3,500 weapons and 150,000 pieces of ammunition. Major recent recoveries include heavy artillery from Butlo in Nimba county, mortars and anti-tank guns from Lofa county and substantial quantities of small arms from Bong Mines, Buchanan, Monrovia, Tubmanburg, Bo Waterside and Voinjama.

ECOMOG and UNOMIL deployment

18. During the period under review, ECOMOG has continued to receive considerable reinforcements. In April, 320 troops from Burkina Faso, 321 from Niger and a 35-man medical team from Côte d'Ivoire arrived, with a further 250 troops from Benin joining ECOMOG in May. These reinforcements have brought ECOMOG strength to approximately 11,000 troops deployed at 48 different locations. Although some ECOMOG troops have been redeployed to Sierra Leone in connection with the crisis in that country, my Special Representative and the Chief Military Observer believe that ECOMOG at present retains sufficient capability to ensure security for the forthcoming elections in Liberia. UNOMIL also assisted in the evacuation of United Nations and other international personnel from Sierra Leone.

19. UNOMIL has completed its planned deployment at 16 sites, covering all the 13 counties of Liberia (see annex and map). The field stations established during the disarmament process have been successfully converted into electoral observation bases. Each of these bases is manned jointly by one or two civilian electoral observers and four or five military observers, who are continuing to undertake reconnaissance missions in the countryside to gather information on terrain and infrastructure and to identify population centres. This information has been made available to the Elections Commission for use in its planning for the forthcoming elections.

IV. Electoral process

UNOMIL preparations for elections

20. As indicated in section II above, preparations for the Observer Mission's observation of the elections are on schedule. Its Electoral Unit has been strengthened to its full complement of four electoral officers. A total of 34 civilian electoral observers have joined the 78 military observers outside Monrovia to form medium-term electoral observer teams, which are operating from 16 observation bases in the field, and in Monrovia. In addition to the activities described above, the medium-term observer teams are reporting on the activities of political parties and preparing for the arrival of the additional observers to be deployed during the election itself. UNOMIL is also working with other observer groups to ensure that there will be efficient coordination of the electoral observation process. The UNOMIL communications

network will be shared with electoral observers up to and during the polling period.

21. While earlier consultations had indicated that the vote count would be centralized, the electoral package approved in Abuja contained a provision for decentralized counting, to be conducted at polling centres. This increases the need for the "quick count" procedure, which I had stipulated in my last report as part of the verification of the counting process. For that purpose, I intend to recruit an expert consultant to the UNOMIL Electoral Unit for the period necessary to organize and conduct the "quick count" exercise.

22. The decision to decentralize counting also has an impact on the number of observers needed for the polling period. As noted in my last report, 200 observers will be deployed for the polling period. However, it was anticipated at that time that, should there be a presidential run-off election, an appropriate level of observation could be ensured by about 50 locally recruited international observers, thus reducing costs as far as possible. However, the decision to conduct counting at polling centres instead of at a central location will require the deployment of a larger number of observers. UNOMIL therefore proposes to deploy up to 200 observers for the run-off election, should one be required.

23. UNOMIL helicopters and vehicles are being shared with the Elections Commission to facilitate movement of personnel in the field. UNOMIL observation base personnel are assisting staff of the Independent Elections Commission in undertaking assessment missions and are providing transport, communications and general support. However, while UNOMIL assets are being deployed to assist the Commission, UNOMIL does not have the logistical capacity to act as the primary support mechanism for election operations. It will therefore provide technical expertise to the Elections Commission in the logistical planning stages, and coordinate with ECOMOG and the major donors in implementing the logistical plan for the elections.

24. The Public Information Unit of UNOMIL is helping to provide civic information on registration and voting to the Liberian electorate. The United Nations Development Programme (UNDP) and USAID have provided some 5,500 low-battery shortwave radios, which are being distributed by the non-governmental organization Search for Common Ground to community centres, churches, schools and electoral observers in the Liberian hinterland, where there would otherwise be no access to the media. The voter information campaign also features a cartoon series stressing such issues as the secrecy of the vote. A newsletter on the electoral process is being published and a UNOMIL-originated radio programme is now being aired on Liberian radio stations.

25. UNDP has provided the services of a demographer and two electoral experts to assist in voter registration, voter education and the management of the elections process. UNDP has also provided vehicles, computers, communications equipment and an electricity generator. The procurement of motor vehicles and office supplies is under way.

Activities of the Independent Elections Commission

26. The Independent Elections Commission has commenced the recruitment of about 40 per cent of the registration staff in Monrovia, to be complemented by local recruitment in the counties, which is now under way. It has also recruited and trained the electoral magistrates, who are responsible for coordinating the elections at the regional level and for identifying premises for registration and polling centres. The Commission intends to establish magistrate's offices in each county, with additional offices to be headed by assistant magistrates at the sub-county level. The new magistrates and their staff have already been deployed in the counties with the assistance of UNOMIL and the International Foundation for Elections Systems.

27. The Elections Commission has held work-shops with the political parties and the media in Monrovia to improve understanding of the electoral package and has set up an interparty committee to serve as a forum for political party liaison. The Commission has also established a series of committees to handle each aspect of the electoral process, bringing together international technical assistance staff at the working level.

28. The Independent Elections Commission has announced a revised electoral work plan, which includes the following:

29 May—Beginning of the civic education programme

9 June—Publication of provisional lists of parties/coalitions/candidates

16 June—Beginning of the electoral campaign

24 June—Beginning of voter registration

7 July—End of voter registration

11 July—Publication of the final voters' roll

18 July—End of the electoral campaign

19 July—Polling and counting

20 July—Announcement of the election results

Coordination

29. The agreement of ECOWAS to take part in a joint electoral coordination mechanism with the United Nations, as announced at the Special Conference to support the Peace Process in Liberia in Geneva on 12 June, will greatly assist in the harmonization of electoral preparations. In my last report, I identified four main tasks to be achieved through United Nations/ECOWAS joint coordination of the elections. The new procedures, which are now to be worked out between the United Nations and ECOWAS, will be essential for the performance of three tasks, that is, ensuring that operational requirements are met and that the electoral process remains on track; coordinating the deployment, logistics and security arrangements for international observers; identifying gaps and needs in the electoral process; and the joint certification of the election results.

Preconditions for certification

30. I believe two main factors will determine whether the Liberian elections can be viewed fair. The first is the creation of a level playing field for the conduct of free and fair elections and the second is the efficiency and credibility of the organization and conduct of the elections by the Inde-

pendent Elections Commission. UNOMIL's assessment of the electoral process will therefore be based on the following parameters:

(*a*) Factors determining a free and fair electoral environment include continued security to facilitate freedom of movement and freedom from intimidation; the secrecy of the ballot; access by all political parties to the media, in particular to radio time; the credibility of the voter education campaign; the extent to which political parties are able to campaign in all areas; and freedom for people to join or refuse to join political parties;

(*b*) Operational benchmarks defining the work of the Independent Elections Commission include the timely setting up of functional regional offices; the timely procurement and delivery of the necessary materials; the timely and successful completion of voter registration; the establishment of sufficient numbers of polling sites, properly distributed to ensure adequate coverage of the voting population; the security of the ballot boxes and other sensitive materials; and the accuracy of the count.

Technical advice and assistance provided by donors

31. In addition to UNOMIL and UNDP, the European Commission and ECOWAS have provided technical and logistical assistance to the Independent Elections Commission. Technical advisers from these organizations work according to the Commission's requirements and currently assist the Commission in all aspects of its work. The International Foundation for Election Systems is assisting in the formulation and production of procedures governing registration and polling, materials design and procurement, as well as the provision of logistical support; the European Commission has provided headquarters offices and regional office support, as well as logistics support; ECOWAS has provided technical advice on a range of electoral issues; and Nigeria has made available vehicles at Commission headquarters for use by the commissioners.

V. HUMAN RIGHTS

32. During the period under review, UNOMIL has conducted a series of missions throughout Liberia in order to assess the general human rights situation. During those missions, no major violations of human rights have been confirmed. However, the Council of State has established a committee chaired by the Minister of Justice to investigate an incident in which a ceremony recently held by a group of Muslims visiting their homes in Bong county was disrupted by violence. UNOMIL is conducting an investigation into recent widely circulated allegations that one person was killed and others injured during a cordon-and-search operation undertaken by ECOMOG soldiers at the Lajoy gold mine in Grand Cape Mount county. I have requested my Special Representative to raise these allegations with ECOWAS.

33. The Liberian human rights community has been strengthened with the creation of at least four new human rights organizations, all of which collaborate with UNOMIL and function as members of the Liberia Human Rights Centre. The Centre has received a grant from a major international donor for setting up its offices and will commence programming shortly. In the interim, individual member organizations continue to carry out a variety of programmes, monitoring and reporting on the human rights situation, hosting civic education seminars, workshops and radio broadcasts, providing legal aid services and monitoring the electoral process as it unfolds. Financial assistance from international donors to Liberian human rights organizations has been minimal and at best slow. UNOMIL has sought the cooperation of donors in rectifying this situation.

34. In pursuance of its capacity-building mandate, UNOMIL, in collaboration with a Member State, hosted a two-day seminar on 1 and 2 May for 55 representatives of Liberian human rights and related organizations. At the request of participants, additional seminars are planned as activities of the Liberia Human Rights Centre.

35. I am also aware of the statement made by the Chairman of the Commission for Human Rights at its fifty-third session, in which he urged the Centre for Human Rights of the Secretariat to provide, at the request of the Government of Liberia, advisory services and technical assistance to enable it to revive the ailing human rights structures and mechanisms. I intend to consult with the new United Nations High Commissioner for Human Rights on ways and means of giving effect to the Commission's views.

VI. HUMANITARIAN ASPECTS

36. Following the completion of the disarmament and demobilization exercise and the deployment of ECOMOG to most parts of the country, relief organizations are now able to operate in all 13 counties of Liberia. At this time last year, populations at risk could only be reached in less than half of the counties.

37. While access has expanded, humanitarian needs have not decreased. Throughout the country, the humanitarian community is encountering damaged infrastructure and resident populations badly in need of the most basic assistance, that is, food, shelter, health, water and sanitation, education and agriculture. This continued need is reflected by the delivery by the World Food Programme (WFP) of 9,281 metric tons of food commodities to 644,729 beneficiaries during the reporting period. The United Nations Humanitarian Assistance Coordination Office reports that out of the 368 pre-war public and private health facilities, today only 25 per cent are functioning; the Monrovia water supply is operating at less than 10 per cent of its capacity; access to safe drinking water in rural Liberia stands at less than 12 per cent; access to proper sanitation in rural Liberia stands at 1 per cent; and 60 per cent of children of school age are not in class. These are but a few examples of the persistent and urgent humanitarian needs in Liberia. A key humanitarian challenge is now also the repatriation of what UNHCR estimates to be 660,000 refugees in the subregion and the resettlement of 750,000 internally displaced persons. The onset of the rainy season is likely both to aggravate the humanitarian situation and to hinder access, as many newly opened roads may not withstand the rains.

38. The United Nations and non-governmental organizations are responding in their respective areas of expertise.

Humanitarian activities have generally been of two types, of which the first comprises activities undertaken in response to acute crises. The second type of intervention includes more forward-looking activities that meet immediate needs while preparing for rehabilitation activities. As the peace process continues to evolve positively, humanitarian activities will focus increasingly on facilitating the voluntary return home of the internally displaced and Liberian refugees. UNHCR continues to prepare for and facilitate voluntary repatriation and is planning to establish field offices in Vahun, Voinjama, Gbarnga, Zwedru and Harper to carry out protection and monitoring activities. Population returns have so far been sporadic. UNHCR has organized visits to Liberia by delegations of Liberian refugees to enable them to ascertain for themselves the conditions now prevailing in Liberia.

39. A United Nations consolidated inter-agency appeal for Liberia was launched in December 1996 requesting $31.2 million for priority humanitarian interventions. As at 1 June 1997, the appeal had only received some 20 per cent of the total requested. The appeal was due to expire on 30 June, but, given the continued need for humanitarian assistance just described and the lack of financial support, will be extended through the end of the year.

Bridging activities

40. Implementation of bridging activities continues and has now produced short-term employment or training opportunities for some 15,000 demobilized ex-combatants out of the 21,315 demobilized during the disarmament and demobilization exercise. A similar number of civilians have also been engaged by these community-based, labour-intensive projects, which cover a broad range of activities, including public works, support for small-scale quick-impact enterprises, strengthening of capacities and infrastructure in the health and education sectors, civic education, counselling and skills development.

41. The United Nations Humanitarian Assistance Coordination Office, whose task is the overall coordination of bridging activities, has approved 47 projects of implementing partners, directly engaging approximately 10,000 ex-fighters and civilians. UNDP, through a project being carried out by the United Nations Office for Project Services, has undertaken 110 projects, focusing on public works, creating temporary jobs for also approximately 10,000 ex-fighters and civilians. An International Labour Organization (ILO) project, funded by UNDP, has initiated short-term training for more than 1,700 ex-fighters and civilians. The European Commission is also very active through its 128 micro-projects, 75 of which are ongoing, which have provided short-term employment for almost 8,000 ex-fighters and civilians. The African American Institute undertook a mission in early May that identified 40 high-ranking officers of the disbanded factions who will be offered short-term UNDP training scholarships. Furthermore, over 3,000 former child fighters are benefiting from activities supported by the United Nations Children's Fund (UNICEF), the Save the Children Fund (UK) and national non-governmental organizations.

42. The establishment of the bridging programmes was based on the need to keep ex-combatants gainfully occupied while reintegration programmes were being developed and thus contribute to the promotion of an environment conducive to sustained peace and the holding of elections. These objectives have already been largely achieved. It was projected that bridging activities would be completed on 30 June, at which time reintegration programmes would enter into effect. Ongoing bridging activities will now be dovetailed into the reintegration programme. As indicated in section VII below, on 12 May UNDP approved $4.75 million to support the reintegration programme. Preparatory work is under way for the quick launching of the programme, which will inherit the resources and equipment of ongoing UNDP-funded bridging projects. UNDP and UNHCR have agreed to collaborate and, wherever feasible, to establish joint implementation units to assist the reintegration of returning refugees and internally displaced persons. A National Reintegration Steering Committee established by the Ministry of Planning on 25 March 1997 will form the cornerstone of the recovery process through a rural-based, non-targeted resettlement and reintegration programme over a two-year period.

VII. ECONOMIC AND SOCIAL ASPECTS

Status of reintegration programmes

43. In December 1996, the United Nations system inter-agency programme for community reintegration and peace-building for Liberia, coordinated by UNDP, was launched jointly with and linked to the above-mentioned United Nations consolidated inter-agency appeal for Liberia. The programme is designed to lead to the resumption of the development process. So far there has been a very limited response from donors. However, UNDP has registered pledges from donors for cost-sharing resources in the amount of $3.04 million in support of reintegration activities and for bridging activities. These consist of $500,000 from the United States Government and $2.54 million from the Government of the Netherlands. UNICEF has received $2 million from EU for primary education and an additional $1 million from the United States Government for the reintegration of war-affected youth.

44. On 12 May, UNDP approved $4.75 million for reintegration activities. Efforts are under way to mobilize additional resources of $5.25 million to bring the resources available to the reintegration programme to about $10 million. However, this will still be much less than the $46.91 million called for in the inter-agency programme.

45. United Nations agencies are playing a key role in the restoration of capacity in public institutions that are considered critical for the reintegration and the recovery process. The Ministries of Planning and Economic Affairs, Agriculture, Health and Social Welfare, Commerce and Education, the Budget Bureau and local selected non-governmental organizations have received initial logistical support to make them functional again. UNDP is also promoting the return of expatriate nationals through its transfer of knowledge through expatriate nationals (TOKTEN) programme. A similar exercise in the field of health is being undertaken by the World Health Organization (WHO) in collaboration with the Ministry of Health.

Status of reconstruction efforts

46. Prior to the April 1996 crisis, a joint UNDP/World Bank team fielded a mission to Liberia at the request of the Government. The major objective of the mission was to support national efforts in developing and implementing a realistic rehabilitation and recovery programme. The April 1996 crisis aborted the process, but it has now been reactivated.

47. The Food and Agriculture Organization of the United Nations (FAO) and the Ministry of Agriculture have fielded nationwide assessment missions for the preparation of a national master plan for reintegration in agriculture.

VIII. Financial aspects

48. In its report of 9 June 1997 to the General Assembly,[16] the Fifth Committee recommended the appropriation of $20,447,100 gross to be assessed at a monthly rate of $1,703,925 gross ($1,576,525 net) for the maintenance of UNOMIL for the period from 1 July 1997 to 30 June 1998, subject to the extension of the mandate of UNOMIL by the Security Council.

49. Therefore, should the Security Council decide to extend the mandate of UNOMIL, as recommended in section IX below, the cost of maintaining the Observer Mission during the extension period will be limited to the rates indicated above.

50. As at 31 May 1997, unpaid assessed contributions to the UNOMIL special account since the inception of the Mission amounted to some $17.6 million. The total outstanding assessed contributions for all peacekeeping operations on 31 May 1997 was some $1,694 million.

51. With regard to the Trust Fund for the Implementation of the Cotonou Agreement in Liberia, total contributions received as at 31 May 1997 amounted to some $25 million, with authorized expenditure totalling some $24.9 million.

IX. Observations and recommendations

52. The peace process in Liberia is now approaching its culminating stage, the holding of free and fair elections for a new, democratically elected Government. It is a credit to all concerned that Liberia is proceeding towards the elections in a calm and peaceful atmosphere that has prevailed since the successful conclusion of the disarmament exercise in February.

53. Despite the time it has taken to arrive at this juncture, the timetable for the remaining phases of the process is uncomfortably tight. While I welcome the flexibility shown by the Summit Meeting of the ECOWAS Committee of Nine in Abuja in extending the electoral period, the extension falls short of the time that under normal circumstances would be needed to ensure the proper performance of all the technical processes involved. The electoral calendar established by the Liberian Independent Elections Commission, which bears the responsibility for the planning and conduct of the election, is a demanding one that will require the closest possible cooperation and coordination among all the actors involved.

54. While I am heartened that evidence of such close cooperation does exist, there is still much to be done. The Special Conference to Support the Peace Process in Liberia, which reconvened on 12 June in Geneva, has played an invaluable role in bringing together donors, ECOWAS countries and UNOMIL and the United Nations agencies to resolve some persistent questions of coordination and funding. I note with great appreciation the outcome of the 12 June meeting of the Conference and express my gratitude to the Ministers and others who attended, and to the donors who announced pledges. In particular, I welcome the announcement by Chief Tom Ikimi of the intention of ECOWAS to cooperate with the United Nations in the creation of a joint coordination mechanism to harmonize the preparation for and conduct of the elections. This mechanism will enable the United Nations and ECOWAS to speak with one voice in certifying the results of the elections, thus helping to consolidate the new Government that emerges.

55. At present, logistical resources in Liberia are not sufficient to support all the activities associated with the electoral process. In particular, helicopter transportation and, at the county level, vehicles and communications equipment, are lacking. The provision of adequate helicopter transportation in preparation for the elections is essential. Airborne transportation is all the more important in that the elections will be taking place in the middle of the rainy season, at a time when many roads will be impassable and communities cut off by flooding. In this context, I renew my appeal to donors to make further contributions as appropriate, either to ECOMOG or to the United Nations Trust Fund for Liberia.

56. I express my gratitude to UNOMIL for its efforts in the evacuation of United Nations and other international personnel from Freetown. I am deeply concerned at the potential adverse impact of developments in Sierra Leone on the situation in Liberia and will keep the situation there under close review.

57. The calm that has prevailed in Liberia for the past few months, and for which full credit must be given to ECOMOG and its Force Commander, Major-General Victor Malu, cannot be taken for granted. In particular, the possibility of unrest during or after the elections, especially if the results are hotly contested, cannot be ruled out. There is also provision for the conduct of a run-off for the presidency, which, if required, will take place on 2 August and would be followed by the installation of the new Government on 16 August. I believe UNOMIL should remain in Liberia at its current strength until that date in order to continue to demonstrate the commitment of the international community to the peace process in Liberia, and would therefore recommend to the Security Council that the mandate of UNOMIL be extended for a final three-month period until 30 September 1997. In the meantime, I intend to continue to keep the Council fully informed of all important developments in Liberia, especially during and immediately following the elections, with particular reference to the freeness, fairness and credibility of the elections and any changes that might arise in the security situation.

58. The departure of UNOMIL, which I would envisage commencing shortly after the installation of the new Gov-

ermineat, will not mean the end of United Nations involvement in Liberia. Indeed, it will be important for the international community to continue to support the democratic and development processes in that country. In addition to the development work that will be continued by the United Nations agencies, I envisage that, subject to the agreement of the incoming Government, the United Nations might maintain a small political office in Monrovia for a limited period to be agreed upon with the incoming Government and subject to the concurrence of the Security Council. Such a presence would contribute to promoting stability in Liberia as the elected Government consolidates its authority and assumes its responsibilities.

MAP

[*See end of present volume.*]

ANNEX

Composition of the military component of the United Nations Observer Mission in Liberia as at 15 June 1997

	Military observers	*Others*[a]	*Total*
Bangladesh	7	5	12
China	5		5
Czech Republic	9		9
Egypt	14		14
India	14		14
Kenya	13		13
Malaysia	3		3
Nepal	6		6
Pakistan	15		15
Uruguay	2	—	2
Total	88	5	93

[a] Medical staff.

[b] Includes the Chief Military Observer.

DOCUMENT S/1997/480

Letter dated 20 June 1997 from the Secretary-General to the President of the Security Council

[Original: English]
[20 June 1997]

I write to inform you of my current intentions concerning my mission of good offices in Cyprus.

In a communication dated 17 April 1997 addressed to the President of the Security Council [*S/1997/320*], I stated my determination to pursue intensified efforts to bring about a comprehensive settlement of the Cyprus issue and that I hoped that it would be possible for me to convene direct talks between the two leaders. To that end, I appointed Mr. Diego Cordovez to prepare and assist me in chairing the next round of the inter-communal talks.

I should now like to inform you, and through you the members of the Council, that on 9 June I wrote to the two leaders inviting them to a first session of face-to-face negotiations to take place in the New York area from 9 to 13 July. These face-to-face talks will constitute the beginning of a process which should continue as long as may be needed to achieve agreement on a comprehensive solution. I envisage that this first session will be followed by another one in August and a third session, if necessary.

In order to avoid a prolongation and even a perpetuation of preceding inconclusive dialogues, I firmly believe that there is a need for new approaches and procedures. Inasmuch as the elements needed to work out a settlement are at hand, I believe that it would be most appropriate to embark upon a sustained process of direct negotiations leading to the conclusion of instruments that will constitute a comprehensive settlement.

On 27 January 1997, I wrote to the leaders of the Greek Cypriot and the Turkish Cypriot communities to underline the importance I attached to finding an early settlement of the Cyprus problem. In February and April I had the opportunity to discuss the Cyprus problem with the leaders of the two communities, who expressed their readiness to make further efforts to reach a comprehensive solution. The consultations held between the two leaders and my representatives in recent months have been valuable in clarifying aspects of the task of achieving our common objective of a viable and comprehensive solution to the Cyprus problem.

In its resolution 1092 (1996) of 23 December 1996, the Security Council stressed its support for the Secretary-General's mission of good offices and the importance of the concerted efforts to work with the Secretary-General towards an overall comprehensive settlement. In late April 1997 the permanent members of the Security Council also fully supported the early convening, under the aegis of the United Nations, of direct negotiations between the leaders of the two Cypriot communities in order to secure an overall settlement. A number of Governments, as well as the Presidency of the European Union, have appointed special envoys and representatives in support of the efforts carried out within the framework of the good offices mission of the Secretary-General. The active, firm and full support of all concerned, and particularly of the Security Council, is indispensable if the current efforts are to bring results. I therefore ask you, and through you the members of the Council, and all concerned, to urge the parties to embark upon a sustained process of negotiations that will lead to the conclusion of the instruments that will constitute a comprehensive settlement of the Cyprus issue.

I should be grateful if you could bring this matter to the attention of the members of the Security Council.

(*Signed*) Kofi A. ANNAN

DOCUMENT S/1997/481

Letter dated 20 June 1997 from the representative of Iraq to the President of the Security Council

[Original: Arabic]
[20 June 1997]

On instructions from my Government, I have the honour to refer to Iraq's continuing cooperation with the Special Commission in performing its functions under the relevant Security Council resolutions. Such cooperation was provided with a framework and was strengthened by the signing of the joint statement of 22 June 1996 and the approval of a joint programme of action, formulated in a balanced manner, that permits inspection teams, in accordance with the agreed arrangements, to enter sensitive sites of a sovereign character or having a bearing on national security that the Special Commission believes to be relevant to its mandate.

Since the joint statement was signed, many sensitive sites have been inspected without friction. The letter dated 15 June 1997 from Mr. Tariq Aziz, Deputy Prime Minister of the Republic of Iraq, addressed to the President of the Security Council [*S/1997/465, annex*] gives details of the visits made by the UNSCOM 182 and UNSCOM 194 inspection teams to 69 sites, the great majority of which were of a sensitive character. The two isolated incidents that occurred in special circumstances while the UNSCOM 194 team was at work cannot be interpreted as representing a pattern of obstruction on the part of Iraq.

In this connection, I should like to reaffirm Iraq's commitment to full cooperation with the Special Commission in performing its functions under the relevant Security Council resolutions and to reiterate that Iraq will comply fully with the joint statement and joint programme of action of 22 June 1996.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative of Iraq
to the United Nations

DOCUMENT S/1997/482*

Report of the Secretary-General

[Original: English]
[16 June 1997]

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 19 of General Assembly resolution 51/195 B of 17 December 1996, in which the Assembly requested the Secretary-General to report to it every three months during its fifty-first session on the progress of the United Nations Special Mission to Afghanistan (UNSMA). The report, which covers the second three-month period following the submission on 16 March 1997 of the first progress report [*S/1997/240*], is also submitted in response to the request of the Security Council for regular information on the main developments in Afghanistan.

II. RECENT DEVELOPMENTS IN AFGHANISTAN

Military situation

2. A stand-off between the Taliban and the opposition persisted in the first two months of the reporting period, with neither side able to gain significant ground. Sporadic fighting continued in four areas: the entrances to the Salang pass and the Panjshir valley north of Kabul; the Ghorband valley bordering Bamyan and Wardak provinces in the central region; the Badghis province in the north-west; and the eastern provinces of Kunar, Laghman and Nangarhar.

3. This military deadlock, however, was broken on 19 May when General Abdul Malik, a key commander of the National Islamic Movement of Afghanistan (NIMA), staged what at the time appeared to be a pro-Taliban revolt against the NIMA leader, General Rashid Dostum. General Malik, supported by other NIMA commanders, took control of Mazar-i-Sharif on 24 May. General Dostum fled the city and took refuge in Turkey. General Malik then assumed the leadership of NIMA.

4. Seizing the opportunity, the Taliban went on the offensive. During the night of 26 and 27 May, their forces, reinforced by defections from the opposition, gained control of the Salang pass. The Taliban also infiltrated a large number of their troops, estimated at between 5,000 and 10,000, into the areas north of the Hindu Kush for the first time. Those troops were given free passage through Pul-i-Khumri by the Hezb-i-Wahdat faction controlling the area. Some 3,000 troops proceeded to Mazar, and others went to Kunduz and Takhar provinces. A Taliban delegation, led by Mullah Mohammad Ghaus, flew into Mazar-i-Sharif on 27 May for talks with General Malik on coordination between the two forces. However, the infiltrating Taliban forces immediately started to disarm the NIMA and Hezb-i-Wahdat forces and to impose a strict interpretation of the shariah, Islamic law, including the closure of girls' schools and a ban on the employment of women.

*Circulated under the double symbol A/51/902-S/1997/481.

5. The already complicated situation took another twist on 27 May when General Malik, apparently alarmed by the Taliban's rush to disarm his troops, decided to change sides again and attack the Taliban forces. The attack, launched by the joint forces of General Malik and the Hezb-i-Wahdat, followed the issuance of Malik's order not to surrender arms to the militia. The Taliban forces, outnumbered and outgunned in a place far from their sphere of influence, withdrew from Mazar on 28 May. The Taliban reportedly suffered a few hundred casualties, while several hundred more were taken prisoner. Mullah Ghaus and Mullah Abdul Razzak, Governor of Herat, were among the high-ranking Taliban officials detained by the forces of General Malik.

6. Capitalizing on the Taliban's retreat from Mazar-i-Sharif, Commander Ahmed Shah Massoud, another pillar of the opposition alliance, broke out of the Panjsher valley and cut off the northern side of the Salang tunnel on the Salang/Pul-i-Khumri road on 28 May. The Massoud forces then, on 29 May, took Golbahar and Jabal-os-Siraj, located at the southern end of the Salang pass, effectively trapping an estimated 2,000 Taliban forces north of the Hindu Kush.

7. The deteriorating situation in Mazar-i-Sharif forced the evacuation of staff of the United Nations and non-governmental organizations from the city. The United Nations evacuated a total of 65 international aid workers, journalists and foreign consul staff on 29 and 30 May, although a number of international non-governmental organizations and the International Committee of the Red Cross (ICRC) staff decided to remain in Mazar. The Office of the United Nations High Commissioner for Refugees has been closely monitoring possible refugee movement to neighbouring Uzbekistan, Tajikistan and Turkmenistan.

8. The general situation in the north remains tense and fluid as of the writing of this report. Fighting continues at the western, central and northern fronts, as well as to the north of Kabul. In the west, the front line returned to the Bala Murghab in the province of Badghis. In the central region of Hazarajat, the two sides are locked in battle in the Shebar pass lowland areas around Sheik Ali and Lulenji in Ghorband valley, as well as in Wardak province. There are reports of renewed military reinforcements by the Taliban in an attempt to resume the drive to conquer the north. The opposition is reported to be gearing up for the necessary defence.

9. The military balance appeared to have tilted in favour of the Taliban when General Malik revolted against General Dostum. However, the situation moved back towards its previous status when General Malik changed his allegiance again a few days later. The Taliban maintain their control of about two thirds of Afghanistan. Among the opposition alliance, the forces of General Malik control the five northern provinces: Faryab, Jowzjan, Saripul, Balkh and Samangan, while Professor Burhanuddin Rabbani and Commander Massoud are in control of Kunduz, Takhar and Badakshan, as well as part of Kapisa. Bamyan is under the control of the Hezb-i-Wahbat, led by Mr. Karim Khalili. General Malik announced on 3 June that the opposition alliance, which had been called the Supreme Council for the Defence of Afghanistan, had been renamed the United Islamic Salvation Front of Afghanistan.

Political situation

10. The political situation in Afghanistan during the period under review was dominated by the military events detailed above. The continued hostilities have made the Afghan factions even more uncompromising and unwilling to accept repeated overtures from the United Nations and others for talks on a ceasefire. Despite the setback suffered in Mazar-i-Sharif, the Taliban still appears determined to attempt to overrun the northern region by force. The opposition is strenuously resisting this. Unabated foreign interference in support of one faction or another has also enabled the antagonists to continue on a confrontational path.

11. The Taliban's ambition to capture the north of Afghanistan and to gain control of the entire country further aggravated the concerns of a number of countries in the region, many of which view this as a serious threat to their borders and to the peace and security of the region. Countries in the region and beyond have held extensive consultations at various levels on the evolving Afghan situation. Among the issues discussed in those consultations were the territorial integrity of Afghanistan, the possible outflow of refugees, destabilization of the border areas caused by the fighting in Afghanistan and the flow of illegal arms and drugs.

12. The Afghan situation was discussed at the summit meeting of the 10-member Economic Cooperation Organization held at Ashgabat on 13 and 14 May. At the meeting, Central Asian countries expressed their concern at the continuing hostilities in Afghanistan and called for a ceasefire and peaceful negotiations among the parties through the mediation of the United Nations.

13. At its Twelfth Ministerial Conference held at New Delhi from 4 to 8 April, the Movement of Non-Aligned Countries declared that a military solution to the Afghan conflict was not a desirable objective and called upon all the Afghan parties "to cooperate with United Nations efforts to facilitate national reconciliation and reconstruction of Afghanistan, specifically to mediate an end to the conflict and facilitate the implementation of a comprehensive settlement to be agreed upon by the Afghan parties, which would include, *inter alia*, an immediate and durable ceasefire, the demilitarization of Kabul and the establishment of a fully representative and broad-based transitional government of national unity".

14. The question of the representation of Afghanistan remains pending among States concerned. To date, three countries have recognized the Taliban as the legitimate representative of Afghanistan: Pakistan, Saudi Arabia and the United Arab Emirates. Some others continue to recognize the government of Professor Rabbani.

Humanitarian situation

15. The humanitarian situation remained serious and was further aggravated by renewed fighting. A rapid food and nutrition assessment was recently undertaken by United Nations agencies in view of reports that a near-famine was likely to develop in Afghanistan. The assessment report concluded that the situation was difficult but not alarming for the short term. The supply of food from Pakistan had resumed after a temporary halt. The report indicated, however, that although

food, particularly cereals, was available in the local markets, the purchasing power of the population was extremely limited. The report recommended that the World Food Programme (WFP) should continue until the end of June 1997 the expansion of its safety net scheme under which an additional 110,000 beneficiaries are covered in Kabul, Jalalabad and Kandahar. It also recommended that donors should meet the food aid requirements of WFP, ICRC and non-governmental organizations. A periodic population-based nutrition survey has been recommended to avert high mortality related to malnutrition. A joint mission of the Food and Agriculture Organization of the United Nations and WFP is currently carrying out a comprehensive assessment of crop production and food aid needs in Afghanistan.

16. On 21 April, the first meeting of the Afghanistan Support Group was convened at Geneva by Mr. Jan Pronk, Minister for Development Cooperation of the Netherlands, facilitated by the United Nations with the participation of donor countries and concerned organizations. The Group discussed key assistance issues with a view to sustaining the consensus reached at the International Forum on Assistance to Afghanistan, held at Ashgabat in January 1997. The Group agreed to support the implementation of a strategic framework and a peace-building programme of international assistance, including emergency relief and reconstruction, and to endorse measures to ensure a common approach on the upholding of women's rights. In addition, it was stressed that the political and non-political aspects of United Nations activities should be more closely linked.

17. The issue of women's and girls' rights remains a priority for the United Nations and the international community. The Department of Humanitarian Affairs sent a mission to Afghanistan in April to review the issue. Its recommendations and those of the Humanitarian/Resident Coordinator are currently under consideration for the purposes of developing a unified position for all United Nations agencies working in Afghanistan.

III. ACTIVITIES AT THE UNITED NATIONS

Meeting of States with influence in Afghanistan

18. On 16 April, I convened the second meeting of Member States with influence in Afghanistan in New York, using the formula that had been adopted for the first meeting held in New York on 18 November 1996. The purpose of the meeting was to reassess the situation following recent political and military developments and to discuss how best to promote a negotiated settlement of the conflict and reinforce the United Nations peacemaking efforts. At my request, the Under-Secretary-General for Political Affairs, Mr. Kieran Prendergast, presided over the meeting, at which the Organization of the Islamic Conference and the following Member States participated: China, Egypt, France, Germany, India, Iran (Islamic Republic of), Italy, Japan, Kazakstan, Kyrgyzstan, Netherlands, Pakistan, Russian Federation, Saudi Arabia, Sweden, Tajikistan, Turkey, Turkmenistan, United Kingdom of Great Britain and Northern Ireland, United States of America and Uzbekistan. I informed the President of the General Assembly and of the Security Council of the results of the meeting by letters dated 1 May [*S/1997/347*].

19. Mr. Norbert Holl, Head of UNSMA, briefed the meeting participants on the current situation and his peace efforts in Afghanistan. The meeting demonstrated that consensus continued to exist on the grave dangers of continued armed conflict for the region and on the central role of the United Nations in coordinating efforts to achieve a peaceful solution. The participants uniformly appreciated the efforts of Mr. Holl and of UNSMA to promote agreement on a ceasefire and negotiations between the factions. While recognizing the need for all concerned countries to be involved in the search for peace, they also stressed that such initiatives should be coordinated with the United Nations.

20. All participants agreed that the territorial integrity and unity of Afghanistan must be preserved. They supported the view that the only solution to the conflict remained a national accord based on recognition of the legitimate interests and rights of all the Afghan people. There was consensus that all foreign interference must cease, although, as usual, there were differences on how to achieve that goal. The flow of arms into Afghanistan remained a preoccupation, and a number of countries supported an arms embargo, referring to the action taken in that connection by the European Union. Some called for the Security Council to take similar action. Others, however, expressed doubts about the practical effectiveness of such a measure and whether it could be applied in an even-handed manner.

21. There continued to be widespread support for an international conference in due course to support the results of negotiations. A number of concrete proposals were put forward for an intra-Afghan dialogue under the auspices of the United Nations to be held outside Afghanistan, possibly with Member States as observers. Several participants repeated their offer to host negotiations and/or a conference. Many favoured the expansion of United Nations consultations beyond the leadership of the factions to include broadly representative Afghan communities and personalities. Some particularly supported the intensification of the contacts of Mr. Holl and the Special Mission with concerned States.

22. All participants voiced their distress at the continued plight of the Afghan people, with special attention drawn to women and girls. Several emphasized the connection between a political settlement, rehabilitation, reconstruction and peace-building.

Activities of the Security Council

23. The Security Council continued to be seized of the developments in Afghanistan and requested to be kept regularly informed of the recent events in the country and of the activities of UNSMA. The Council held several consultations on Afghanistan during the period under review, and repeatedly renewed its call to the warring factions for a ceasefire and for peaceful negotiations through the United Nations.

IV. ACTIVITIES OF THE SPECIAL MISSION

24. Despite the difficulties caused by the prolonged hostilities, UNSMA continued its pursuit of an immediate ceasefire and negotiations, through its good offices, between the warring parties. On 7 April, Mr. Holl briefed me in New

Delhi on the recent developments in Afghanistan and on the activities of the Special Mission. He then travelled to New York for consultations with senior Secretariat officials. On 14 April, Mr. Holl briefed the Security Council on Afghanistan and then participated in the second meeting of countries with influence in Afghanistan on 16 April. On 21 April, Mr. Holl took part in a meeting of the Afghanistan Support Group at Geneva, where the issues of continued humanitarian assistance and support to the United Nations peace mission in Afghanistan were the focus of the discussion.

25. Mr. Holl and his team maintained regular contact and held several meetings with the leaders of the Taliban and the opposition alliance, as well as with other Afghan personalities. Mr. Holl's interlocutors among the Taliban leaders included the Taliban acting Foreign Minister Mullah Ghaus, and his deputy, Mullah Jalil Akhund, and the Governor of Kandahar, Mullah Mohammed Hassan. The opposition leaders Mr. Holl met included General Dostum, Commander Massoud, Professor Rabbani and Mr. Khalili. All the meetings were held in Afghanistan.

26. As part of the United Nations peacemaking efforts, Mr. Holl tried to convene a meeting between leaders of the Taliban and the opposition at a mutually agreeable place, such as Islamabad or Ashgabat, in the first part of April 1997. This high-level political meeting was intended to follow up on the two meetings of the Intra-Afghan Working Group, which the Special Mission had convened at Islamabad in January and February 1997. However, despite all efforts, the meeting failed to take place, largely because of differences between the parties on the venue, level and composition of the representation.

27. The Head of the Special Mission held consultations in various capitals in the region and beyond, including Washington, D.C., London, Islamabad, Moscow and New Delhi, and met officials of several other interested countries.

V. Observations and conclusions

28. Recent events have proved yet again that the question of Afghanistan is not susceptible to a solution by force. The imposition of one party's will over others, even if it appears to be successful in the very short term, cannot bring lasting peace and stability to the country and the region. This conviction is held not only by me but also by the international community at large. The futility of continued fighting in Afghanistan has been repeatedly underlined by Member States at such occasions as the second meeting of the countries with influence in Afghanistan, as well as by the Security Council.

29. The situation in Afghanistan remains volatile. The warring parties seem bent on resolving their problems through military means rather than through peaceful negotiations and have paid no attention to the many calls by the Security Council, the Head of the Special Mission and other countries for a ceasefire and dialogue. To make matters worse, the conflict is increasingly being fuelled by strong ethnic feelings between the predominantly Pushtun Taliban on the one hand and the Tajiks, Hazaras and Uzbeks, who comprise the opposition camp, on the other. All Member States concerned claim to agree that peace is needed in Afghanistan, but it appears that a number of them are not yet ready to put concerted pressure on the warring factions to stop this senseless civil war.

30. While the warring parties have shown little interest in a peaceful solution, it is noteworthy that some individuals and groups of Afghans have taken initiatives to mobilize moderate, influential Afghans inside and outside Afghanistan who are not directly involved in the ongoing fighting. Insofar as those Afghan initiatives aim to give a voice to the majority in Afghan society who have been silenced by the prolonged warfare, I regard them as very positive. Mr. Holl is closely following up on the initiatives and is reporting to me on a regular basis.

31. The 1997 United Nations Consolidated Appeal for Emergency Humanitarian Assistance for Afghanistan, which is seeking US$ 133 million, has so far received contributions totalling $26.7 million, which is only about 20 per cent of the requirements. This is not enough for the United Nations to sustain humanitarian activities at a satisfactory level. I should therefore like to urge the international community to provide generous support to the United Nations Appeal for the impoverished people of Afghanistan.

32. Prospects for peace are bleak for the immediate future, but I am determined to pursue a negotiated solution to the Afghan problem. The potential cost of inaction is too high. The overwhelming desire for peace among the majority of the Afghan people is undeniable. I should therefore like to conclude the present report by repeating my appeal to the Afghan factions to come to their senses and to return to the negotiating table immediately. I should also like to call upon the Member States concerned to cease their military support to the warring factions, to address in a more substantive way how best to resolve the Afghan conflict and to coordinate their efforts in this regard closely with the United Nations.

DOCUMENT S/1997/483

Letter dated 20 June 1997 from the Secretary-General to the President of the Security Council

[*Original: English*]
[*20 June 1997*]

I have the honour to bring to your attention the attached letter that El Hadj Omar Bongo, President of Gabon, has asked me to transmit to you on the current situation in the Republic of the Congo.

I should be grateful if you would be kind enough to bring this letter to the attention of the members of the Security Council.

(*Signed*) Kofi A. ANNAN

ANNEX

Letter dated 16 June 1997 from the President of Gabon to the Secretary-General

[*Original: French*]

The International Mediation Committee, meeting on 16 June 1997 in Libreville to consider the serious situation in the Congo, has arrived at the following conclusion:

The ceasefire, which has been in force since 15 June 1997, is particularly fragile. Consequently, in order to avoid a resumption of the fighting, together with the tragic consequences this would have for the people and stability of the country and even of the entire region, it is urgent to invoke forthwith the relevant provisions of the Charter of the United Nations in order to deploy an appropriate force to Brazzaville.

The purpose of this force should be to ensure respect for the ceasefire and to contribute, as far as possible, to the promotion of an environment that is favourable to the efficient preparation and smooth progress of the presidential elections.

The Committee, which stresses the extreme urgency of these measures, has obtained the agreement of all the Congolese parties concerned and the assurance that they will cooperate with the inter-African force.

(*Signed*) El Hadj Omar BONGO

DOCUMENT S/1997/487

Report of the Secretary-General on the situation in Croatia

[*Original: English*]
[*23 June 1997*]

I. INTRODUCTION

1. The present report is submitted pursuant to paragraphs 6 and 7 of Security Council resolution 1079 (1996) of 15 November 1996 and the statement of 19 March 1997 by the President of the Security Council [*S/PRST/1997/15*]. It provides an overview of the activities of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) since my report of 24 February 1997 [*S/1997/148*] and describes the humanitarian and human rights situation in Croatia. The report also contains my recommendations, in the light of progress by the parties towards fulfilling the provisions of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium of 12 November 1995 [*S/1995/951, annex*], concerning the future of the United Nations presence in the region after 15 July 1997.

II. ACTIVITIES OF THE UNITED NATIONS TRANSITIONAL ADMINISTRATION FOR EASTERN SLAVONIA, BARANJA AND WESTERN SIRMIUM

A. *Political aspects*

2. As the Security Council noted in the statement by its President of 8 May 1997 [*S/PRST/1997/26*], the successful holding of the elections in the region beginning on 13 April 1997 was an essential step for further progress in the peaceful reintegration of the region and an important milestone for the legitimate representation of the local population in the Croatian constitutional and legal system. Since then, the focus of UNTAES has been to facilitate the establishment of the newly elected bodies, to urge the Government of Croatia to implement in full the rights and guarantees outlined in the letter of the Government of Croatia of 13 Janu-

ary 1997 [*S/1997/27, annex*] and in the Basic Agreement and to coordinate with the United Nations High Commissioner for Refugees (UNHCR) and the Government of Croatia on the development and implementation of a programme for the return of all displaced persons to their homes in conditions of safety, security and dignity. While local Serbs have demonstrated willingness and determination to assume their rights and responsibilities as Croatian citizens, there remains deep apprehension and fear in the region. Confidence-building has not yet taken root and, from time to time, serious doubts have arisen about the willingness or capability of the Government of Croatia to reintegrate the people of the region.

3. The official results of the elections were announced on 30 April 1997 and confirmed by the Electoral Appeals Commission, which reported that most complaints received were addressed by the special measures adopted by the Transitional Administrator on election day, or dismissed after due consideration. In the city of Vukovar, the ruling Croatian Democratic Union (HDZ) and the Independent Democratic Serb Party (SDSS) each won 12 seats, with a hard-line nationalist Croat party holding the remaining 2 seats. With the encouragement of UNTAES, the HDZ and SDSS negotiated a power-sharing arrangement throughout the region and an agreement on the use of symbols and flags which enabled all regional, municipal and town councils to be duly constituted by 6 June. However, at the inaugural meeting of the Vukovar Town Assembly on 28 May, decisive action by the Transitional Administrator was required to prevent attempts by local HDZ officials to sabotage the pre-agreed power-sharing arrangement and disenfranchise the SDSS members of the Assembly. Serb confidence in Croatian intentions was badly shaken and full constitution of the Vukovar Assembly remained incomplete as of 16 June. It was also disappointing for the Serb population to discover during the Presidential elections of 15 June that the voters lists remained incomplete and that the Ministry of Administration had not fulfilled its undertaking to clear up the irregularities.

4. On 16 May 1997, the Joint Council of Municipalities (JCM), which was envisaged in the Basic Agreement, was constituted in Vukovar. Over the previous two months, difficult negotiations took place with the Government of Croatia on the organization and functions of this body. It was not until 6 June that Croatian officials orally agreed to give JCM legal status, but differences remain on the modalities for registration. UNTAES considers that a signed agreed text of the JCM charter witnessed by UNTAES would enhance local confidence in the long-term viability of this important institution.

5. On 27 May, at the initiative of UNTAES, members of JCM presented President Tudjman with a list of proposed Serb candidates for appointment to senior positions in Croatian administrative structures, as promised in the letter from the Government of Croatia of 13 January 1997. These candidates were accepted on 2 June. Although oral guarantees to appoint two Serbs from the region to the Croatian House of Counties were not fulfilled, a compromise was reached whereby an additional Serb from the Baranja is to be appointed as Assistant Minister for Culture in the Ministry of Education and Culture. While this outcome has been accepted by local Serbs, it is the second time that guarantees made during the negotiation of the letter from the Government of Croatia of 13 January 1997 and endorsed by the Council in the statement by its President of 7 March 1997 [*S/PRST/1997/10*] have not been met. The Government of Croatia had previously failed to announce that applications for deferment of military service would be considered in a positive manner.

6. On 2 June, at the invitation of local Serb leaders, President Tudjman visited Beli Manastir. His comments on the need for national reconciliation were well received by the vast majority of the local population, as was his promise to review the list of alleged war criminals not included under the amnesty law. On 8 June, President Tudjman, together with several hundred Croatian officials, visited Vukovar, arriving by train from Vinkovci. Despite the assurances given to UNTAES about the intended dignity of the visit and its importance in creating a climate of reconciliation throughout Croatia, the Vukovar "Peace Train" exhibited overt HDZ triumphalism designed to increase support for the presidential elections. As a result, the President's message of national reconciliation was overshadowed by the HDZ propaganda and the singing of emotive Croat nationalistic songs. Among the local population, fears were rekindled about the future of Serbs in Vukovar once Croat displaced persons return in substantial numbers.

7. As I have previously reported to the Council, during the UNTAES mission Croat officials have not always implemented the decisions of the central Government and have in several occasions been uncooperative, using bureaucratic manoeuvres and obstructions to delay or stop promised support to the region. Following the elections, UNTAES insisted on a mechanism to coordinate Croatian State activities in the region and to ensure that local politicians implement national policy. On 24 April, a State Commission was formed headed by Deputy Prime Minister and Minister for Reconstruction and Development, Mr. Radic. UNTAES welcomed the creation of the Commission and commenced regular meetings with it at which detailed position papers for Croatian action were presented. Although Croatian timetables often slipped, the Commission has made progress on non-controversial technical aspects of reintegration, but President Tudjman's personal intervention is still required for more difficult issues. A notable failure of the State Commission was its inability to secure and deliver 3 million kunas (approximately US$ 500,000) promised by the Government of Croatia for local administrative costs which was to be used for pensions due in January and February of this year. Payment of this money was eventually achieved at the insistence of UNTAES immediately prior to President Tudjman's visit to Vukovar.

B. *Displaced persons*

8. The return to their homes of Serb displaced persons at present occupying Croat housing in the region is the essential condition for Croat displaced persons to be able to return. This has become a priority task for UNTAES. In order to accelerate orderly return into and out of the region, the Government of Croatia, on 24 April, adopted operational procedures for return to be applied equally to all Croatian citizens and opened six branches of the Office for Displaced Persons

and Refugees in the region. These procedures had been developed by a Joint Working Group comprising UNTAES, UNHCR and Croatian officials. By 13 June, approximately 5,000 families, representing some 11,000 individuals in the region, had registered with the Office for Displaced Persons and Refugees. This figure represents approximately 25 per cent of the displaced persons currently estimated to be residing in the region. More than half of those registering with the Office for Displaced Persons and Refugees have stated their wish to return to their homes, but as few as 105 families (211 individuals) had been fully processed by 21 June and only 26 individuals had returned from the region.

9. The pace of implementation of these procedures has been slow, and cooperation from local Croatian officials in areas of return has been seriously lacking. There have been serious incidents, including, on 13 May, in villages around Hrvatska Kostajnica in which the local Croat population — primarily Bosnian Croat refugees who have been given temporary possession of Serb houses under the Croatian Law on Temporary Takeover and Administration of Specified Property — reacted violently to the appearance of a handful of Serb returnees. The Government of Croatia has initiated criminal proceedings against 10 individuals in several of the attacks, but to date no one has been convicted or sentenced. In response to international pressure, Prime Minister Matesa met with heads of counties and municipalities on 22 May to stress that all local officials must cooperate with returns under the operational procedures. These local officials were also present in Vukovar on 8 June when President Tudjman stated that it was the responsibility of all Croatian officials to cooperate in the safe return of Serb displaced persons. However, the slow pace of processing by the Office for Displaced Persons and Refugees, coupled with these hostile incidents, has seriously eroded Serb confidence in the possibility of return. In the week following the Hrvatska Kostajnica incident, four individuals processed for return changed their plans after being advised by family members that conditions in the area of return were unsafe.

10. The Government of Croatia has blamed these serious incidents on "spontaneous" returns, which take place outside the operational procedures. However, it is clear that the Croatian police force is sometimes unable or unwilling to maintain basic conditions of security for Serb returnees, particularly in the former United Nations Protected Areas. In the absence of a purposeful government programme of national reconciliation and effective police security throughout Croatia, UNHCR and UNTAES agree that all potential returnees should be encouraged to use the operational procedures to be assured of their full rights to reconstruction assistance, social benefits and security. However, the operational procedures must be strengthened and made more efficient to meet the demand for return. Furthermore, it is not possible to prohibit spontaneous returns without imposing unlawful restrictions on freedom of movement and violating fundamental principles of human rights. Unless there is a renewed commitment by the Government of Croatia to ensure the security of Serb returnees, as well as a strong international monitoring presence in these areas, this critical element of the UNTAES mandate may fail.

11. The Joint Working Group is playing an essential confidence-building role for displaced persons by encouraging and monitoring the process of two-way returns and by assisting the Government of Croatia to develop further mechanisms for local residents who previously occupied socially owned housing and for equitable disposal or purchase of property through the Land Bank concept. The Joint Working Group is also committed to helping the Government to secure international assistance for the Land Bank and other projects to facilitate two-way returns, but UNTAES and UNHCR are concerned by statements reportedly made by senior Croatian officials that the Land Bank will be used only by Croats to buy out Serb property at depressed prices and that no Serb will be allowed to buy a Croat house in the region. These statements have caused deep anxiety among Serbs in the region.

C. *Civilian aspects*

12. The Civil Affairs Unit has focused on the wide range of issues related to civilian reintegration, including the technical and substantive matters addressed in the 24 joint implementation committees and subcommittees which brought together Serb and Croat experts to resolve mutual problems. Before the 13 April elections, the Civil Affairs Unit coordinated the functioning of 25 UNTAES document centres, which combined Ministry of Administration and Ministry of Interior functions for the issuance of the documents necessary for voting (citizenship certificates, identification cards and passports). The remaining 10 UNTAES document centres are now adding services for health cards, pensions and the reissuance of basic legal documents. The Civil Affairs Unit continues to coordinate with legal non-governmental organizations to resolve cases where the Government of Croatia does not issue documents according to the agreed procedures, including failure to meet administrative deadlines, refusals to issue passports to men of military age and refusals issued without the adequate explanation required by Croatian law.

13. Several programmes have been introduced to increase freedom of movement progressively in the region. These include sponsored visits which have allowed nearly 89,000 people to travel in both directions, the reintroduction of regular bus service stopping at eight points in the region and nearby Croatian cities, the organization of a weekly market at which over 150,000 people have participated since August 1996 and, as of 5 June, a system to allow vehicles with Croatian licence plates and an UNTAES pass to move freely in the region and throughout Croatia.

Reintegration of institutions

14. The reintegration of regional public institutions and enterprises has progressed rapidly under the principles of the affidavit on employment, which guarantees Serbs employment in the equivalent Croatian structures. Since March 1997, road maintenance, telephone and posts, railways, water supply and flood control have been successfully reintegrated. Some 800 Serbs have accepted Croatian work contracts, including senior managerial positions. A further 256 work contracts for electricity workers are still to be distributed. Croatian vehicle registration commenced in the region on 4 June, with over 400 local drivers requesting Croatian licence plates in the first week. During the next three months,

residents of the region will be encouraged to take Croatian licence plates, registration and vehicle insurance at discounted rates.

15. After long delays and very serious hardship for the aged and the disabled in the region, the Government of Croatia has agreed to modalities for reintegrating the region's pension fund and beneficiaries. This process will require the re-registration and assessment of approximately 19,000 potential pensioners. Payments are scheduled to begin in July. On 23 June, the local Serb petrol company NIK will return to the Croatian state company INA all of its assets (gas stations, fuel depots and administrative buildings). In return, INA will hire all NIK employees for a four-month period. During this time, a commission will be established to determine long-term solutions for these workers, under UNTAES monitoring.

16. On 1 June, Croatian law was introduced for new cases in the region, while existing laws are being phased out. Proportional representation has been agreed for the appointment of judges. However, difficulties continue with the integration of the local judiciary. The Croatian Bar Association has refused to waive or reduce the admission fee of DM 10,000, which local Serb lawyers are unable to afford, with the consequence that no local lawyers will be able to defend cases in court. An acceptable solution must be found also to the serious problem of documents (birth, death and marriage certificates and drivers' licences) issued in the region since 1991, which the Government of Croatia does not recognize. Additionally, representatives from the Croatian Ministry of Justice and the region's judiciary have failed to begin the process of examining evidence to clarify the list of those not granted amnesty under the Croatian amnesty law. This is to be done under UNTAES monitoring.

17. There have been serious difficulties in the health and education sectors, in the committees dealing with human rights and culture and in discussions on the absorption of the region's approximately 800 municipal employees into the Croatian system. After eight months of opposition, the Croatian Minister of Health was ordered by President Tudjman, on 6 June, to sign an agreement on reintegration of the health system in accordance with the affidavit on employment and to assume financial responsibility for the Vukovar hospital and the Beli Manastir health centre. Meanwhile a critical situation has developed in both medical institutions, including a lack of basic medicines and equipment, owing to the failure of the Ministry of Health to meet its commitments. On education, agreement was reached on 29 May on the issuance of Croatian employment contracts to the 1,200 local employees and of education certificates for students. Finalization of the education syllabus before the end of the school year reassures the Serb population that their minority rights under Croatian law will be observed.

Economic activities

18. The paramount economic challenge for the region is to identify sources of funding of approximately $1.2 billion for demining and reconstruction. More than 300,000 mines were placed in the region, and the infrastructure and housing in entire villages were destroyed during the conflict. During two international donors' meetings, $59.1 million was committed for reconstruction projects. Projects worth approximately $22.7 million are in progress, with projects worth another $35 million pending final commitments. To facilitate the disbursement of funds, UNTAES has coordinated closely with non-governmental organizations on developing modalities for registering small businesses. The Ministry of Development and Reconstruction and newly elected authorities must engage constructively in assessing the needs and in the prioritizing of projects. This has not happened consistently, as evidenced by the prolonged discussions on the reconstruction of the Port of Vukovar.

19. On 19 May 1997, UNTAES initiated the transformation of the monetary and financial system of the region by introducing the kuna as legal tender, integrating the local payments system into that of the Republic of Croatia and regulating all economic activity in accordance with relevant Croatian commercial laws. The establishment of a kuna-based payments system provides the basis for the economic reintegration of the region, but additional steps will be required to strengthen the region's financial and productive infrastructure. The opening of Croatian banks and enterprises are key elements to readjust the supply and demand of the local market in accordance with the Croatian economy. Further economic reintegration will be achieved on 30 June when Croatian customs regulations and a three-month preferential tariff system for essential goods are to be introduced on the international border.

D. Police aspects

20. As preparations intensify for substantial returns of displaced persons, the comprehensive presence of UNTAES civilian police and the performance of the Transitional Police Force (TPF) have been crucial elements in building confidence in the local population. Through its constant presence in all police stations, the civilian police are providing essential reassurance to local residents that their rights will be protected during criminal investigations and when in police custody. By participating in and monitoring joint patrols, the civilian police have contributed to community awareness that the reintegrated police force is functioning effectively. The civilian police have improved the professionalism and knowledge of the permanent future police force by providing on-site training and special courses on identification and investigation and by reporting on human rights violations.

21. One of the UNTAES successes has been the consolidation of TPF and the integration of Serb and Croat police officers. Cooperation between Serbs and Croats within TPF is good. Restructuring of TPF to facilitate reintegration in the Croatian police structure is well under way. By December, the present strength of TPF (816 Croats and 1,343 Serbs) will be reduced to approximately 1,500, of whom between 700 and 800 will be Serb and other ethnic minorities. Proportional ethnic representation will apply in all stations and positions, including senior posts. A special police unit of 80 Croats and 14 Serbs has been established. On 9 June, TPF took over responsibility for conducting weapons checks on people entering the region, while UNTAES military maintains a back-up presence. Daily river patrols using Croatian boats on the Danube have had some success in countering smuggling and illegal logging.

1. *Military aspects*

22. The military situation in the region remains stable and demilitarization has been maintained without incident. In the absence of either a bilateral agreement with the Federal Republic of Yugoslavia on permanent demilitarization of the border area or a credible unilateral declaration by Croatia to maintain demilitarization of the region, the military component of UNTAES has continued to play an important role in local reassurance. It has kept the region demilitarized by checking all incoming vehicles and persons at the international border and crossing points into the rest of Croatia. It has also carried out extensive patrolling within the region. During the elections, about 4,000 troops were employed 24 hours a day to provide security, as well as to carry out related administrative tasks. Special security measures were taken during the period of introduction of the kuna and during the inaugural sessions of county and municipality assemblies.

23. In addition, a large number of escorts were provided on a daily basis to visiting dignitaries, Croatian officials, workers and vehicles entering the region. All battalions were involved with the visits of President Tudjman to the region. The force has also provided relief to the civilian population through medical assistance, repair of roads, demining and miscellaneous humanitarian projects. In view of the changed political environment after the elections, the Indonesian medical company, six Mi-24 helicopters of the Ukrainian helicopter squadron and the heavy equipment of the Slovak battalion were repatriated in May 1997.

24. With the opening of Croatian government offices and civilian reconstruction programmes, an ever-increasing number of Croats are entering the region, and the risk of incidents has moved from the perimeter of the region towards the interior. A new concept of overall security has been created based on more mobile tasks for the military. Observation posts are being closed and the tasks of soldiers at checkpoints are being taken over gradually by TPF. UNTAES troops will provide overall security through extensive patrolling and serve as a back-up force to TPF. The main security concern in the near future is the management of the return of Croat displaced persons into the region.

25. Increased use of mobile patrols, together with the progressive transfer of responsibilities to TPF, which will continue to be monitored by the civilian police, will facilitate a smooth drawdown of the force. In the immediate future, a reduction of two battalions is possible without compromising overall security. By the end of August, the military strength of UNTAES will be reduced to approximately half of its authorized strength, with the intention of maintaining one battalion in the Baranja and one in the southern part of the region. Subject to Croatia's ability to prepare Croat displaced persons for peaceful return and cooperation and to bilateral developments on demilitarization, further reductions are planned.

United Nations military observers

26. The United Nations military observers have continued to provide information on the security situation within the region through their regular contacts with the community and former "Republic of Srpska Krajina" commanders and officers. They have maintained liaison with Croatian forces in Osijek and Vinkovci and have conducted regular patrols along the former zone of separation. Additionally, the military observers have coordinated the movement and provided escorts for Croatian vessels transiting the Danube and Drava rivers. The military observers have also provided extensive support to programmes of the Civil Affairs Unit, including document issuance, human rights monitoring and the return of displaced persons.

27. During the next phase of the mission, United Nations military observers will assume greater responsibility for monitoring the security situation as the military component decreases. In addition, as Croats return to the region, the role of the military observers in identifying and monitoring vacant houses and monitoring the human rights situation will increase. In the event that the Governments of Croatia and the Federal Republic of Yugoslavia conclude a demilitarization agreement for the region and its adjoining areas, the military observers could, subject to the concurrence of the Security Council, assume the task of assisting in the implementation of the agreement.

[illegible] regime

28. The role of the UNTAES border monitors has been to supervise UNTAES management of the immigration, customs and police border control regime at five crossing points with the Federal Republic of Yugoslavia and at the Udvar crossing with the Republic of Hungary. On average, some 25,000 to 30,000 people and 12,000 vehicles use these crossings each day. Illegal timber exports from the region and traffic in looted goods have been stopped at these crossings. As the UNTAES military component disengages from border control operations and Croatian officials assume responsibility for international borders, the role of the UNTAES border monitors will revert to ensuring the free and non-discriminatory movement of people in accordance with national immigration and customs controls. This provides important reassurance to the residents of the region, who, in the absence of a bilateral agreement on "soft borders", are deeply apprehensive that they will be prevented arbitrarily from leaving the region or visiting their families in the Federal Republic of Yugoslavia when Croatian authority is completely restored.

29. Border monitors and United Nations military observers have also monitored permanent departures from the region. Interviews of all families moving their household effects out of the region show that numbers have decreased from a high of 2,364 families in February 1997 to 1,224 families in May 1997. Of these, some 16 per cent state that they are leaving permanently. In over 92 per cent of departures, the intended destination is the Federal Republic of Yugoslavia; some permanent departures have subsequently returned to the region because of lack of employment and suitable housing.

III. HUMAN RIGHTS AND HUMANITARIAN ASPECTS

30. The present section, which covers major issues of concern regarding the human rights situation since the last report (S/1996/1002), is based on information compiled by the Office of the United Nations High Commissioner for Human Rights, the Centre for Human Rights in the Republic of Croatia

and from various other sources, including UNHCR, the European Community Monitoring Mission (ECMM), the International Committee of the Red Cross (ICRC) and the monitoring mission of the Organization for Security and Cooperation in Europe (OSCE). The section takes into account several documents and material provided by the Government of Croatia since March 1997, including its aide-memoire of 11 June 1997 on the situation of human rights in the country and a letter dated 13 June 1997 from the Deputy Prime Minister and Minister for Foreign Affairs of Croatia addressed to the President of the Security Council [*S/1997/454*]. Additional information has been received from local and international non-governmental human rights organizations active in Croatia, including the Croatian Helsinki Committee for Human Rights; the Anti-War Campaign; the Serbian Democratic Forum; the Dalmatian Solidarity Committee; HOMO - the Committee for Human Rights in Karlovac and Pakrac; Otvorene Oci (Open Eyes); the Civic Committee for Human Rights; and Papa Giovanni XXIII. The section further contains an assessment by the Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 on the current status of Croatia's cooperation.

31. The security situation in the former Sectors remains of concern in view of continuous reports of harassment, intimidation, killings and physical assault of Serbs. Looting continues unabated, particularly in areas where ethnic Croats have resettled. Last April, Serbs wishing to return to Kistanje, in the former Sector South, were prevented from reoccupying their homes, which were later taken over by ethnic Croat families from Kosovo. Mines continue to be placed in strategic areas, causing death and serious injuries to civilians. On 8 April 1997, a returnee from the Federal Republic of Yugoslavia died from injuries caused by a concealed device which exploded in front of his house in Srednja Gora, in the former Sector South. In the same Sector, a 12-year-old boy attending school in Podlapaca, near Gospic, was compelled to leave school as a result of constant beatings and harassment by other children because of his Serb ethnicity. A case of arson was also reported on 11 April 1997 when the local orthodox Serb parish building in Okucani, in the former Sector West, was set on fire. In the same sector, two elderly Serbs were murdered by ethnic Croats from Kosovo. The assailant of one of the victims was identified and is now in custody. Furthermore, on 14 March 1997, three persons were badly beaten. After a police investigation, the perpetrators were charged with causing grievous bodily harm and violent behaviour. Discrimination also continues in the workplace. It has been reported that a Croat radiologist married to a Serb, when seeking employment in Pakrac hospital, was discreetly advised to obtain a divorce before she could get the job.

32. The situation in the former Sector North is particularly volatile because of the relatively evident returns of displaced persons from the UNTAES-administered region. On 23 April 1997, in the village of Kestenari, three armed men threatened an 80-year-old Serb returnee and stole the possessions she had been given as part of the humanitarian aid effort. On 20 May 1997, an elderly man was assaulted in Blinska Greda by four unidentified men. He died later in the Sisak hospital. In addition, as noted earlier (see paras. 9 and 10 above), a serious incident occurred on 13 May 1997 in Hrvastka Kostajnica when some 150 ethnic Croats from the Bosanska-Posavina region of Bosnia and Herzegovina attacked a group of returnees and destroyed and ransacked their homes.

33. Regarding the return of refugees and displaced persons, it will be recalled that as many as 200,000 Serbs fled to the Federal Republic of Yugoslavia and to Bosnia and Herzegovina following the Croatian army's actions in the former Sectors West, North and South in 1995. Although it has been difficult to ascertain the number of applications for return that have been filed, the figure reportedly fluctuates between 25,000 and 34,000. In accordance with the information provided by the Government's Office of Displaced Persons and Refugees to the concerned international organizations, a total of only 14,952 persons had returned to Croatia as of 4 June 1997. However, according to the same organizations, only one fourth of the total number have returned to the former Sectors.

34. Concern has been expressed about the restrictive conditions imposed on the return of Croatian Serbs in possession of a valid Croatian citizenship certificate, the *domovnica*. Many of the refugees now living outside Croatia are no longer able to return on the basis of their *domovnica*, but must obtain in addition valid travel documents from Croatian consular representations abroad. However, there is currently no established procedure for a citizen of Croatia who is a refugee to obtain a valid passport or one-way travel document from any of the Croatian embassies and consulates in the neighbouring countries.

35. Despite the efforts of the UNHCR/ICRC Programme for Extremely Vulnerable Individuals to facilitate the return of refugees in this category, only a very small number of refugees from the Federal Republic of Yugoslavia have been reunited with their families in Croatia. According to UNHCR, only 18 per cent of the requests presented by potential returnees have been cleared for return by the Office for Displaced Persons and Refugees, while 70 per cent of the total submissions have remained pending for the last three months. Given that many of the individuals concerned are extremely vulnerable because of their age, the pace of clearances by the Office for Displaced Persons and Refugees is cause for serious concern.

36. The question of property is essentially governed by two statutes. Under the Law on the Lease of Flats in the Liberated Territory of September 1995, rights to socially owned flats were lost irrevocably in cases where departed tenants had not reclaimed them by 27 December 1995. As for real estate property, the Law on Temporary Takeover and Administration of Specified Property placed such properties under the administration of the State. Under the provisions of the law, many houses have been given to newly arrived Croat settlers, and the law provides that they may not be ejected from the properties unless alternative accommodations are found for them - a process that makes the duration of their occupation of the houses indefinite, if not permanent. Although Serbs can seek redress through the legal system, it has become almost impossible to regain access to confis-

cated properties, despite the few positive court decisions in this regard. In general, the role of the local housing commissions has remained ineffective.

37. There has recently been an increase in the number of property claims lodged with the local housing commissions. As of June 1997, at least 150 claims had been received. Meanwhile, the forced eviction of the rightful Serb owners continues. On 13 May 1997, a group of 14 Croats from Kosovo evicted a Serb couple in Kistanje, in the former Sector South. The sale of Serb property to ethnic Croat refugees, under the Law on Temporary Takeover and Administration of Specified Property, has become a widespread phenomenon.

38. The application of the amnesty law continues to cause widespread concern among the Serb population. It has been announced by the Ministry of Justice of Croatia that an investigation into 146 suspected war criminals will be carried out in conjunction with Serb representatives from Eastern Slavonia. Although a formal agreement to this end has not been officially drawn up, one option under discussion is the possibility that the suspected war criminals, as well as the 25 persons already sentenced for war crimes committed in Eastern Slavonia, will be provided with access to both prosecution and defence dossiers in order to review the charges and present their defences from within the region.

39. With regard to Croatia's cooperation with the International Tribunal, the office of the Prosecutor has reported that it is far from satisfactory, particularly on all matters involving proof of alleged crimes by Croats. While general requests for assistance are met with a certain degree of cooperation, there are often delays or obstruction in investigations which Croatia perceives to be against its interest. An agreement on the status of the Prosecutor's Liaison Office in Zagreb has not yet been concluded, although the issue has long been outstanding. The transfer to the Tribunal of the accused Zlatko Aleksovski—a welcome development in itself—occurred only after months of delay and pressure on the Croatian authorities, and there has been no progress in arresting other accused individuals.

40. The Office of the Prosecutor also reports that efforts to obtain certain important pieces of evidence by asking Croatia to help voluntarily have been unsuccessful. Thereafter, when the Prosecutor has attempted to use the legal channels available in the course of trial proceedings to obtain documents and other evidence, legal objections have been raised in order to prevent the material being made available to the Tribunal's Trial Chamber. Croatia disputes the Prosecutor's power to conduct investigations on Croatian territory, and it has recently called for investigations to cease. There are increasing signs that Croatian implementing legislation will restrict the Prosecutor's activities rather than facilitate them.

41. Disturbingly, the Croatian press has recently produced a number of articles, often carrying statements from official sources, designed to damage the credibility of the Tribunal. A Tribunal prosecution witness, whose identity had been disclosed to a newspaper in breach of a confidentiality order, was subsequently aggressively targeted by media and political circles close to the Government. There seems to be a persistent and growing anti-Tribunal propaganda campaign within Croatia.

IV. Observations

42. Since its full deployment in the region in May 1996, UNTAES has made significant achievements in demilitarization, reintegration of institutions and creation of conditions that have permitted successful elections to be held in April. The people of the region appear to have accepted Croatian citizenship and statehood. Within the region, the institutional and political parameters for reintegration into the Croatian legal and constitutional system have been defined. The new multi-ethnic administrative bodies have been created but have not yet begun to function. In effect, the institutional reintegration of the territory into the region is being finalized, but the reintegration of the people has hardly begun.

43. On 22 April, the Transitional Administrator wrote to President Tudjman to seek information on Croatia's plans for the further reintegration of the region. In his response of 30 April, President Tudjman reaffirmed Croatia's intention to fulfil its various obligations and guarantees, but no specific programmes or timetables were given to indicate how Croatia intends to provide reassurance to the local population and successfully complete reintegration. Of particular concern was Croatia's stated intention to introduce a regime of unrestricted access to the region without taking adequate steps to prevent harassment and intimidation of local residents by extremist Croat elements.

44. Since April there have been outbursts of ethnic violence against Serbs in Kostajnica and elsewhere in Croatia, increased harassment and intimidation of Serbs inside the region by Croat extremists who abuse the transit procedures and more liberal access regime, continued hostile propaganda in the Croatian media, an increase in the number of abusive and threatening telephone calls telling Serbs to leave and serious delays in the introduction in the region of Croatian institutions, most notably the Croatian social welfare system. Croatian promises have not been met in a timely manner on the ground. As a result, the Serbs' confidence about their future is at present very low. The many physical attacks to which they have been subjected while Croatian police were passive onlookers are of particular concern and have contributed to the creation of an environment where Serb reliance on UNTAES for protection has increased rather than diminished over the past several months.

45. Recent experience regarding Croat returns to the region has underlined the need for effective preparations to rebuild a functioning multi-ethnic community. In October 1996, Croatian authorities were given increased access to four villages in the region south of the Bosut river. Despite repeated calls by the Transitional Administrator for a programme of reconciliation to prepare returnees to live with Serbs, nothing was done to curb the desire for revenge of returning Croat extremists, including some security force personnel, with the result that the few remaining Serbs were subject to harassment and almost all have now left the area.

46. A widespread repetition of this precedent would constitute a dramatic setback. It should be recalled that the Basic Agreement lists among its objectives the restoration of the multi-ethnic character of the region by ensuring the possibility for the return of refugees and displaced persons.

in conditions of security, the establishment of confidence among all ethnic communities and respect for the highest levels of human rights and fundamental freedoms in the region. While President Tudjman's recent statements on reconciliation have been welcome, this message has not yet taken root among the general population, and Croatian authorities have not yet had sufficient time to demonstrate to local residents that their full rights will be protected and substantial returns can be effected.

47. Croatia's position is that, with the successful holding of elections, UNTAES has completed the executive part of its mandate: authority over the region should therefore be transferred to Croatia, the UNTAES military component should be withdrawn and the remaining United Nations civilian presence restricted to a monitoring and observation mission pending its replacement by a long-term OSCE observation mission. President Tudjman has warned of negative consequences for Croat-Serb relations and reconciliation if the executive mandate of UNTAES is extended. The position of local Serbs and of the Federal Republic of Yugoslavia—which would be the primary recipient of Serb refugees from the region if reintegration fails—is that UNTAES should remain with its existing mandate for the full extended transition period up to 15 January 1998.

48. Croatia maintains that it does not have the opportunity to implement programmes of reconciliation as long as the region is under transitional administration and that a large UNTAES military component creates a psychological barrier to normal life. However, preparatory work for reconciliation has not commenced, even outside the region. Nonetheless, to accommodate Croatia's concern, the Transitional Administrator has developed a two-phase "exit strategy". In the first phase, the Transitional Administrator would devolve to Croatia executive responsibility for the major part of civil administration of the region while maintaining his authority and ability to intervene and overrule decisions should the situation deteriorate and the achievements of UNTAES be threatened. The pace of devolution would be commensurate with Croatia's demonstrated ability to reassure the Serb population and successfully complete peaceful reintegration. In the second phase, and subject to satisfactory Croatian performance, remaining executive functions would be devolved, with Croatia assuming responsibility for the continued demilitarization of the region and the gradual integration of the Transitional Police Force into the Croatian police force.

49. Adoption of the above-mentioned exit strategy would allow UNTAES personnel and resources to be reduced progressively as executive functions are assumed by Croatian authorities. In the first phase, two battalions and one company could be repatriated by 15 August, thus reducing troop strength from 5,000 to 2,530, including 720 military support personnel required for the continued support of the civilian personnel and the liquidation of UNTAES assets. Further reductions are planned for the period after September in order to reach a level of 720 by mid-October in the light of developments in the country. The number of military observers would remain unchanged at 100. The authorized strength of 600 civilian police can be reduced to the present actual strength of 450 until the full integration of the Transitional Police Force into the Croatian police force, which is expected to occur in October. Subsequently, the civilian police strength can be further reduced to 250, which is the minimum number necessary. This would enable the civilian police to maintain a constant presence at all police stations in the region as well as in the regional headquarters in Osijek and Vinkovci, while also monitoring the new police structure and continuing human rights training. A revised civil affairs structure with a strengthened focus on returns and human rights would be based around the new municipalities in order to monitor implementation of the Basic Agreement and other Croatian guarantees and commitments. By October, the strength of the civilian component would be reduced from 485 to 315 international staff and from 746 to 399 local staff, in addition to 70 United Nations volunteers.

50. The Transitional Administrator intends, at the earliest opportunity, to invite the Croatian Ministries of Justice, Finance, Economy, Social Welfare, Development and Reconstruction, Education and Sport, Culture and Health, as well as various government agencies, to complete the phasing-in of their functions in the region. The operational activities of these ministries will be coordinated by the Croatian State Commission under the authority of the Transitional Administrator. UNTAES will have sole responsibility for the Transitional Police Force, continued demilitarization and maintenance of the international border regime, except for customs. The timing for the establishment of Croatian immigration controls will depend on the conclusion of a "soft border" regime with the Federal Republic of Yugoslavia. Return of displaced persons will continue to be handled through the Joint Working Group and the Agreed Procedures. Renewed efforts will be made to secure international donor assistance for two-way multi-ethnic returns.

51. During the following months, UNTAES will carefully monitor Croatian performance in meeting a series of mutually reinforcing and interdependent "benchmarks" which would give confidence to the region, thus permitting a smooth downsizing of the mission. These include full implementation of the rights and guarantees mentioned in the Basic Agreement, the Croatian letter of 13 January 1997 and subsequent signed agreements by the Government of Croatia on civil matters, demonstrable equal treatment for Serbs in the provision of government services and benefits, substantial progress in the two-way return of displaced persons, including vigorous enforcement of Croatian criminal law for acts of inter-ethnic violence and harassment, establishment of a purposeful programme of national reconciliation, and serious efforts to achieve bilateral agreements on demilitarization and a "soft border" regime.

52. Some of these benchmarks can be seen in isolation from developments throughout Croatia. In this context, I welcome the readiness of OSCE to increase its presence throughout Croatia in order to support local authorities in the implementation of their commitments on the return of refugees and displaced persons, human rights and democratization. Early deployment of OSCE monitors, particularly in those areas where Serbs are to return, would greatly enhance local confidence and facilitate the smooth downsizing of UNTAES as Croatia meets its commitments. I urge the Government of Croatia to extend its fullest cooperation to OSCE. Failure to demonstrate commitment to European

monitoring standards can only impact negatively on confidence and raises doubts about the timing of the transition to long-term international monitoring arrangements, as envisaged in the Basic Agreement.

53. The international community has made a major commitment in deploying UNTAES to implement the Basic Agreement. The residents of the region have placed their trust in the commitments made by the Government of Croatia under UNTAES auspices, but they remain apprehensive and unsure that those commitments will be implemented. Their future in the region and the ability of Serbs to return to their former homes throughout Croatia remain uncertain.

54. In considering the future of UNTAES, I am concerned that a precipitate transfer of authority to Croatia and the withdrawal of UNTAES in the near term could lead to a mass exodus of Serbs, which itself would create a major humanitarian crisis in the Federal Republic of Yugoslavia and would have negative repercussions in Bosnia and Herzegovina, particularly the Republika Srpska. This would gravely set back the process of bilateral normalization of relations, imperil wider regional security and create an unwelcome precedent for collective international peace efforts in Bosnia and Herzegovina.

55. In the light of the above, I consider the proposed two-phase exit strategy of the Transitional Administration to be an effective and cost-efficient programme for the successful completion of peaceful reintegration and the withdrawal of UNTAES from the region. The essential prerequisite is, of course, the full cooperation of the Government of Croatia, which bears the responsibility of convincing the local population that the reintegration of the people of the region is sustainable and that the process of reconciliation and return is irreversible. Croatia still has to demonstrate its determination to fulfil this responsibility. If confidence is not achieved, the Security Council would have to reassess the situation by 15 October 1997.

56. In conclusion, I should like to pay tribute to the Transitional Administrator, Mr. Jacques Paul Klein, and to the dedicated civilian and military personnel of UNTAES for their performance, commitment and service to the international community.

ANNEX

Composition and strength of the military and civilian police elements of UNTAES as at 23 June 1997*

Country	Military observers	Troops	Civilian police	Military liaison officers	Civilian police
Argentina	1	28		2	28
Austria					10
Belgium	1	105		4	
Bangladesh				5	40
Brazil				6	
Czech Republic			12	4	
Denmark					5
Egypt				4	10
Fiji					45
Finland				4	10
Ghana				5	
Indonesia				5	37
Ireland				4	10
Jordan	15	901		6	40
Kenya				4	25
Lithuania					4
Nepal				5	19
Netherlands	1				
New Zealand	1			4	
Nigeria				5	21
Norway				5	14
Pakistan	13	435		5	
Poland		81		5	8
Russian Federation	20	810		6	5
Slovakia	10		20		
Sweden				5	15
Switzerland				5	
Turkey					23
Ukraine	11	430	164	6	18
United Kingdom of Great Britain and Northern Ireland	1				
United States of America	1				25
Total	142	2 790	176	106	435

* Figures may vary owing to rotations.

DOCUMENT S/1997/494*

Report of the Secretary-General submitted in accordance with General Assembly resolution ES-10/2

[Original: English]
[10 June 1997]

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I. INTRODUCTION

1. The present report is submitted pursuant to resolution ES-10/2 adopted on 25 April 1997 by the General Assembly at its tenth emergency special session. Paragraph 9 of the resolution reads as follows:

"9. Requests the Secretary-General to monitor the situation and to submit a report on the implementation of the present resolution, within two months of its adoption, in particular on the cessation of the construction of the new settlement in Jebel Abu Ghneim and of all other illegal Israeli activities in occupied East Jerusalem and the rest of the Occupied Palestinian Territory;"

II. CONSULTATIONS WITH ISRAEL AND THE PALESTINIAN AUTHORITY

2. In order to comply with the above request, it was my intention to dispatch a Special Envoy to the area. Accordingly, I instructed the Under-Secretary-General for Political Affairs to contact the Permanent Mission of Israel to discuss the scope of such a mission.

3. In the course of consultations held in early May, the Charge d'affaires a.i. of the Permanent Mission of Israel to the United Nations and the Under-Secretary-General for Political Affairs discussed steps that might be taken pursuant to resolution ES-10/2. In a letter dated 6 May 1997, the representative of Israel indicated that he had communicated to the Under-Secretary-General Israel's concerns over some of the proposals that his Government found problematic. These concerns involved the sending of a United Nations representative to the region or the enrolment of United Nations personnel already in the area to assist in the preparation of my report and the sending of communications to Member States to request reports on the implementation of operative paragraphs 7 and 8 of resolution ES-10/2. At the request of the representative of Israel, and in the light of those concerns, further consultations were held.

4. In a letter dated 8 May 1997, the Under-Secretary-General for Political Affairs informed the Charge d'affaires a.i. of Israel of his intention to undertake a mission to the area in question. The Envoy would undertake the consultations called for in the resolution and report his findings to me in early June 1997. Upon Mr. Yasser Arafat, President of the Palestinian Authority, in Hebron on the occasion of the visit of the Organization of African Unity Ad Hoc Committee, and for any proposal to send a mission to Israel and the occupied territories.

5. On 14 May 1997, I addressed a note verbale to all Member States requesting them to submit by 15 June 1997 any information relevant to the implementation of that resolution. A request for information was also addressed to the Permanent Observer of Palestine to the United Nations.

6. Throughout May and into the first half of June, further consultations were held between the Charge d'affaires a.i. of Israel and the Under-Secretary-General for Political Affairs to discuss the terms of reference of the proposed mission. In the course of those consultations the representative of Israel reiterated that a visit should be based on his Government's invitation and not be associated with the General Assembly resolution. While visiting the area, the representative of the Secretary-General would be exclusively the Government of Israel and the Palestinian Authority. Any views expressed by officials whom the representative met on either side should not be reflected in the report of the Secretary-General. Furthermore, if the visit were to take place, the consultations on locating Har Homa (Jebel Abu Ghneim) should be the only issue to be reflected in the report of the General Assembly. Visits to settlements other than Har Homa (Jebel Abu Ghneim) should not take place.

7. In his letter dated 2 June 1997, the Charge d'affaires a.i. of Israel stated that the General Assembly resolution had not requested me to send an Envoy to the area. Prior to the adoption of the resolution, such a proposal had been discussed between Israel and a draft of it, which indicated to him that the sending of an Envoy was not the will of the General Assembly. He added that even though the resolution had not called for the dispatch of an Envoy and despite the position of Israel that such a step could endanger positive and under the peace process, his Government remained prepared to welcome my representative. His Government also offered its place at my disposal and at that of my representative all relevant information.

8. In a letter dated 3 June 1997, I informed the Charge d'affaires a.i. of Israel of my proposal to dispatch to Israel and the occupied territories my Under-Secretary-General

* Incorporating document S/1997/494/Corr.1 of 11 June 1997.

for Political Affairs, Mr. Kieran Prendergast, as my Special Envoy. I indicated that the terms of reference for his visit would be to discuss with the Government of Israel any matter which it chose to raise with him and, based on those discussions as well as on consultations with the Palestinian Authority, to provide me with information that would enable me to prepare the report requested by the General Assembly in its resolution ES-10/2. I also stated that the primary focus of both the mission of my Special Envoy and my report would be the construction of housing in Jebel Abu Ghneim/Har Homa. However, I informed him that my Special Envoy would not decline to discuss other topics, should the Government of Israel or his other interlocutors choose to raise them. Similarly, while his principal interlocutors would be the Government of Israel and the Palestinian Authority, my Special Envoy would be ready to meet other parties should they request to see him.

9. In his reply dated 9 June 1997, the Chargé d'affaires a.i. of Israel confirmed that his Government was, in principle, prepared to welcome a representative of the Secretary-General but that such a visit should not be associated with the resolution adopted by the General Assembly and should only take place after the terms of reference had been agreed upon. His Government's views with regard to the terms of reference, he said, were as stated in the conversations between myself and the Director-General of the Ministry of Foreign Affairs that took place on 16 May and in conversations he had with me and the Under-Secretary-General for Political Affairs and not those reflected in my letter of 5 June 1997. He added that it would be regrettable if the visit of my representative were to have a negative effect on the current efforts to renew the peace process, and in particular the negotiations between Israel and the Palestinians.

10. In a letter dated 10 June 1997 to the Chargé d'affaires a.i. of Israel, I noted his position that the visit of my Special Envoy should not be associated with the General Assembly resolution. However, I also noted that from my perspective the main purpose of the visit was to lay the ground for the report requested by the General Assembly. Therefore, I added, the restrictions he wished to impose on para. 5 above would constitute a visit by my Special Envoy to the point where he could not adequately carry out the task of assisting me in preparing my report. I expressed the hope that the visit could take place on the basis set out in my letter of 5 June 1997. In order to allow time to complete the report by 29 June 1997, as requested in the resolution, my Special Envoy would need to leave New York not later than 14 June 1997.

11. In a letter dated 13 June 1997, the Chargé d'affaires a.i. of Israel stated that his Government believed that there had been no procedural or substantive justification for the convening of the emergency special session concerning the construction of a residential neighbourhood in Jerusalem. He reiterated that his country categorically rejected the unbalanced resolution adopted at that session which he said stood in contradiction to the peace process and its principles. He repeated that the resolution did not require the Secretary-General to send an envoy to the area and that such a visit at that juncture could be detrimental to the efforts to renew the peace process and, in particular, the negotiations between Israel and the Palestinians. Notwithstanding the above, Israel had made a genuine effort to facilitate a visit by my representative, "asking only that such a visit should not be associated with the resolution and should only take place after the terms of reference for the visit had been agreed upon". Despite the effort of his Government, he added, it was understood from my letter of 10 June 1997 that I would not be able to send an envoy on that basis.

12. In a further letter dated 19 June 1997, the Chargé d'affaires a.i. of Israel, in reference to the procedural aspects of the emergency special session of the General Assembly, indicated that: (*a*) the controversy over the building of a new neighbourhood in Jerusalem could not be considered, by any stretch of the imagination, a "threat to international peace and security"; (*b*) no determination had been made by the Security Council, during its two sessions on the subject, that the controversy constituted a "threat to international peace and security"; and (*c*) it should be noted that the procedure for the calling of an emergency special session had not been put into use for 15 years. It was particularly assailed and discordant within the context of the Middle East peace process, which was based upon principles of bilateral dialogue, negotiation and mutual understanding.

13. With regard to resolution ES-10/2, the Israeli representative argued that:

(*a*) The peace process remained the only viable avenue for the solution of the problems in the Arab-Israeli conflict. The emergency special session was yet another manifestation of attempts to bypass the agreed-upon process of direct negotiations between the parties and to internationalize the conflict. These attempts had been futile in the past and would only serve to weaken the situation rather than resolve the differences;

(*b*) The resolution at Har Homa did not, in any way, violate the agreements between Israel and the PLO. The project consisted from the natural needs of a major urban area. The same applied as regards Israel's policy concerning settlements. There was no new policy in this regard—all that was being done was limited to providing for the natural growth of the population;

(*c*) The resolution singled out and blamed Israel for the difficulties which the peace process faced, while blatantly ignoring the obstacles posed by the Palestinian side to continued negotiations. Israel had "fulfilled all of its commitments in accordance with the 'note for the record' that was agreed upon at the time of the Hebron accord. The Palestinian side had not only failed in this regard by not amending the Palestinian National Charter, which it was committed to do, but also by refusing to fight terrorism. They had in fact taken steps which directly contradicted these commitments, and openly encouraged and enabled violence and terror;

(*d*) The General Assembly, in its resolution ES-10/2, had determined that the peace process was based, *inter alia*, on the principles of "land for peace". However, this "principle" was clearly not part of the basis of the process. It was not mentioned in the letter of invitation to the Madrid Conference, was not part of the terms of reference of the process and had not been included in any of the agreements signed within the Middle East peace process. Any attempt to change the agreed basis of the peace process without the consent of

all of the parties concerned could have no effect and only served to undermine the process.

(e) The resolution, in referring to the restrictions on movement in the territories, ignored the fact that such measures, which were fully in accordance with the Israeli-Palestinian agreements, had been taken in the wake of ruthless terrorist action by Palestinians, and served to prevent their recurrence.

(f) The resolution rejected terrorism in all of its forms and manifestations. Terrorism brought not only pain and suffering to innocent civilians, but tore apart the very fabric of the peace process. It is imperative that the Palestinians live up to the solemn commitments they have made on many occasions and fight this scourge without reservation.

(g) In this context, Israel wished to draw my attention to the fact that countries such as the Libyan Arab Jamahiriya, the Islamic Republic of Iran and the Syrian Arab Republic still promoted international terrorism as a tool for advancing their agenda. The international community should take all necessary measures to combat this dangerous phenomenon.

10. Finally, the Israeli letter stressed that the resolution called for measures "to ensure the freedom of religion and conscience of its Jerusalem inhabitants, as well as permanent, free and unhindered access to the Holy Places by the faithful of all religions and nationalities". In fact, such measures had been fully implemented by Israel in Jerusalem, in marked contrast to the situation that prevailed prior to 1967.

14. Owing to the restrictions imposed on the scope of my Special Envoy's proposed mission by the Government of Israel (see para. 6 above), which were not acceptable to the United Nations, I regret that it has not been possible to dispatch a Special Envoy to Israel and the occupied territories in conditions that would have enabled me to discharge the mandate entrusted to me by the General Assembly in a fully satisfactory manner. I am therefore basing the substantive portion of this report, which follows, on reliable sources available to the United Nations at Headquarters and in the field.

III. REPORT PREPARED PURSUANT TO PARAGRAPH 9 OF RESOLUTION ES-10/2

15. According to the information available to the United Nations, the Government of Israel, as of 20 June 1997, has not abandoned its construction of a new Israeli settlement at Jebel Abu Ghneim. Settlement activity, including the expansion of existing settlements, the construction of bypass roads, the confiscation of land adjacent to settlements and related activities in violation of Security Council resolutions on the matter, continued unabated throughout the occupied territories. The Abu Ghneim incident is nevertheless viewed as particularly serious for a number of reasons.

16. Politically, the commencement of construction of a new Israeli settlement at Jebel Abu Ghneim on 18 March 1997 represents the first move to construct an entirely new settlement on occupied Palestinian lands since a freeze was imposed on such activities by the previous Israeli Government in the context of the peace process. Palestinians point out that such a move prejudices final status negotiations, during which the issue of Jerusalem and borders is to be determined. The settlement is seen as closing the door on what Palestinians unanimously expect to be the future capital of a Palestinian State - East Jerusalem.

17. Geographically, Abu Ghneim represents the final link in a chain of settlements constructed by Israel around occupied East Jerusalem. Already existing links in the chain include the settlements of French Hill, Ramot, Pisgat Ze'ev, Neve Ya'acov and Gelo. The closing of this chain is seen as a final step towards the isolation of Jerusalem from the rest of the West Bank and as part of the stated policy of the Government of Israel of fully incorporating occupied East Jerusalem as part of the "unified eternal capital of the State of Israel".

18. Demographically, the establishment of this settlement would have a significant effect on further advancing the forced alteration of the religious and ethnic composition of occupied East Jerusalem. Projections indicate that the new settlement would result in the transfer of some 50,000 Israeli settlers from Israel into the predominantly Arab area of occupied East Jerusalem, further altering the demographic character of the city.

19. Economically, the establishment of a settlement on this site is expected to have damaging effects on an already devastated Palestinian economy in the occupied territories. Without reference to the losses suffered by Palestinians whose land has been acquired for the settlement, the broader Palestinian economy would feel the immediate effects of the resulting separation of the economic hub of East Jerusalem from the towns and agricultural areas of the rest of the West Bank.

20. With regard to its effects on the peace process, and the confidence of the Palestinian people in that process, the refusal of the Government of Israel to abandon construction of a new settlement at Jebel Abu Ghneim appears to represent, in the view of the Palestinian people, the largest single negative factor in the breakdown of the peace process and the fomenting of unrest in the occupied territories. Through both words (public statements) and actions (continuing construction activity at Jebel Abu Ghneim) the Israeli Prime Minister, and other representatives of the Government continue to reject the terms of the resolution of the General Assembly requiring a cessation of those activities. Palestinian communities in the Gaza Strip and the West Bank, including Jerusalem, have responded with two months of public demonstrations and protest. Hundreds of Palestinians have been wounded during the clashes with the Israeli military forces, and a number of Palestinian deaths have been reported. Tensions continue to mount.

21. Prime Minister Netanyahu announced a promise to build 5,500 housing units for Palestinians in East Jerusalem at the same time as construction at Jebel Abu Ghneim proceeds. The housing units are not to be built at Jebel Abu Ghneim, but in 10 as yet unspecified neighbourhoods in Arab East Jerusalem. It was also not clarified whether the housing units would be government-funded, or if only building permits would be issued. Since 1967, reportedly only 600 housing units for Palestinians have been built by the Government.

22. Israeli settlement expansion activities continued throughout the period under review in numerous locations throughout the occupied West Bank and Gaza Strip, including commencement of new settlements, expansion of existing settlements and construction of roads and other ancillary

areas adjacent to and between settlements. Expansion activities have been recorded in more than 40 existing settlement areas. Settlement road construction was under way at more than 10 sites.

18. Israel was widely reported during this period to have formal plans for the creation of new settler housing units in the West Bank and Gaza Strip. In May 1997 it was reported that 40,000 dunums of Palestinian land in the West Bank were expropriated by Israel in 1997 for the expansion of settlements. Significant portions of land have been seized for these purposes near Hebron, around Jerusalem and in the Jordan Valley. In the Gaza Strip, attempts by settlers to seize additional land adjacent to existing settlements at Gush Katif resulted in violent clashes involving Palestinian civilians, Israeli settlers and Israeli military personnel, resulting in a number of Palestinian injuries and at least one Palestinian death.

19. External support for settlements and their economic infrastructures continued during the period under review, including through private support from foreign companies and individuals. In one highly publicized incident in June of 1997, it was learned that a Days Inn Hotel, a franchise of a hotel company based in the United States of America (Days Inns of America, Inc.), had been opened and was operating in the Gush Katif settlement in the Gaza Strip.

20. The Government of Israel has implemented further measures which alter or purport to alter the character, legal status and demographic composition of Jerusalem. During the period under review, a number of administrative, legal and other measures have been adopted by the State of Israel affecting the rights and status of Palestinian Arab residents of Jerusalem. Among the most serious developments, hundreds of Palestinian Jerusalemites in 1997 received notice from the Israeli authorities that their residency rights had been revoked, and hundreds of Jerusalem identity cards — without which it is impossible to live in and often even to enter Jerusalem — have been confiscated. The loss of such permits results in a loss of rights to housing, health care, school access and freedom of movement into and around Jerusalem. The administrative practices in question apply only to non-Jews, i.e. mainly Palestinian Arabs in Jerusalem. Such decisions have been justified on the grounds of an Israeli determination that these people have "transferred their centre of life outside of Israel", based on periods of time spent outside of their home city, thereby treating Palestinian Jerusalemites as "resident immigrants", subject to discriminatory immigration controls. This practice, which reduces the Arab presence in Jerusalem, now threatens some 60,000 to 80,000 Palestinian Jerusalemites.

21. The Government of the State of Israel has not, as of June 1997, accepted the *de jure* applicability of the fourth Geneva Convention of 1949 to all territories occupied since 1967. All other High Contracting Parties, as well as the International Committee of the Red Cross, have retained their conclusions that the Convention does apply *de jure* to the occupied territories.

22. The realization of the principle of territorial integrity, as enunciated in the Oslo accords, has been frustrated during the period under review by Israeli restrictions on the movement of persons and goods between so-called A, B and C areas of the West Bank, between Jerusalem and the rest of the West Bank, between the West Bank and the Gaza Strip, and between the occupied territories and the outside world. Safe passage arrangements have not been established, and arrangements for a Gaza seaport and airport have not been agreed upon. The Israeli policy of general closure, which has been in effect since 30 March 1993, imposes explicit restrictions on the mobility of goods and persons. There are fixed Israeli checkpoints on Palestinian roads, including key transport routes, and a system of differentiated mandatory permits for labourers, business people, medical personnel and patients, students, religious worshippers, and all other categories of Palestinians. Restrictions on entry to Jerusalem block access to the main north-south transportation route in the West Bank, necessitating lengthy and costly detours. This general closure has been aggravated by periodic comprehensive closures entailing the complete denial of such movements during a full 153 calendar days between 30 March 1993 and mid-June 1997. Since 21 March 1997, when a bomb attack in Tel Aviv, apparently carried out by Hamas, killed three Israeli women, such comprehensive closures have been imposed for a total of 24 days. Internal closure days, during which movement is not allowed even inside the West Bank (between A and B areas) totalled 27 days in 1996. Israeli restrictions on the movement of goods and personnel are also imposed on United Nations officials and project materials, resulting in delays and added costs for development projects in the West Bank and Gaza Strip and in serious disruptions of the work of humanitarian agencies.

23. A number of further activities deemed to be in violation of international law continued to have tensions and to jeopardize both the peace process and the rights of Palestinians in the occupied territories. Among these are the continued administrative detention of almost 300 Palestinians in Israeli jails, 5–20 without charge or trial, of which 10 have been held for more than three years, 20 for between two and three years, and 20 for between one and one and a half years. In all, more than 1,000 Palestinians are said to remain in Israeli prisons. Palestinian detainees in Israeli custody continue to be subjected to torture and other mistreatment under security regulations officially endorsed by the High Court and the Government of Israel, in spite of recent condemnation by the Committee against Torture. Israeli demolitions of Palestinian homes in Jerusalem and other parts of the occupied territories continued.

24. The 6 March Israeli decision to effect the long-delayed second redeployment to only 9 per cent of the West Bank, with 7 per cent of that a redeployment from area B to area A, rather than from area C to area A, has further aggravated the situation. Further evidence of the deteriorating political and security situation included punitive house demolitions, curfews, transfer of Bedouin population and unlicensed house demolitions.

25. There was also a marked increase in Palestinian violence against Israeli civilians, settlers and military personnel, as well as Palestinian military operations against Palestinian civilians during the reporting period. Two Israeli women hikers, found dead in Wadi Kelt, near Jericho, on 25 April, also appear to have been victims of a terrorist attack, though no Palestinian organization claimed responsibility for the

killings. Two bombs detonated in the Gaza Strip on 1 April under unclear circumstances, killing the two suicide bombers and injuring six persons. While not carried out by a Palestinian, the 13 March killing of seven Israeli schoolgirls by a Jordanian soldier stationed in the Jordan Valley contributed to Israeli security concerns.

26. The reporting period witnessed an increase in violent incidents involving settlers, within the overall context of the deteriorating security situation. A number of incidents of settlers attacking Palestinians, often but not always in response to stone-throwing, were reported, as were destruction of property, attacks against livestock and attacks against agricultural land. The majority of the incidents took place in the Hebron area. There also were sporadic incidents of settler violence in the Gaza Strip.

IV. Replies from Member States

27. As of 23 June 1997, replies to my note verbale had been received from the following 11 countries: Australia, Colombia, the Democratic People's Republic of Korea, Egypt, Japan, Jordan, the Netherlands, Norway, the Russian Federation, Saudi Arabia and Tunisia. They are substantially reproduced below.

Australia

[Original: English]

1. The Permanent Representative of Australia notes that Australia abstained on resolution ES-10/2, both because the Government did not consider it would take forward the process of seeking peace in the Middle East and because we did not regard use of resolution 377 A (V), the uniting for peace resolution, as appropriate in the circumstances.

2. Australia has made clear its concern about Israel's decision to build on Har Homa/Jebel Abu Ghneim. We regard the decision to be inconsistent with Security Council resolutions on the Middle East and unhelpful because it complicates the process of achieving a peaceful settlement. We have consistently urged both sides to the dispute to avoid actions that jeopardize the peace process.

3. Australia continues to be deeply concerned about the situation in the Middle East and the absence of trust and confidence necessary for successful resumption of the peace negotiations. We again urge both sides urgently to commit themselves to honour the obligations they have made and to the search for a peaceful resolution of their differences.

Colombia

[Original: Spanish]

The Permanent Representative of Colombia informs the Secretary-General that his Government has implemented General Assembly resolution ES-10/2.

Democratic People's Republic of Korea

[Original: English]

1. The Government of the Democratic People's Republic of Korea has officially expressed its denunciation of the attempts on the part of Israel to build new Jewish settlements in East Jerusalem. At the same time, the Minister for Foreign Affairs of the Democratic People's Republic of Korea sent a letter of solidarity to the Council of the League of Arab States in support of its decision on the question of East Jerusalem.

2. I would like to take this opportunity to reiterate my Government's consistent position of support for the struggle of Arab peoples, including the Palestinian people, to ensure lasting peace and security in the Middle East.

Egypt

[Original: English]

1. The construction of Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, is illegal and contravenes international law.

2. Resolution ES-10/2 reflects the continuous refusal and condemnation of the international community of the settlement policy pursued by Israel in the Occupied Palestinian Territory, including Jerusalem, and the other occupied Arab territories. This policy undermines the peace in the Middle East and is in clear violation of the relevant rules of international law, the Geneva Convention, as well as the relevant Security Council and General Assembly resolutions on the matter.

3. Egypt favours an active role of the Secretary-General in the follow-up of the said resolution. We believe that, in order to be able to present a comprehensive report on the matter to the General Assembly in accordance with paragraph 9 of the resolution, it will be of paramount importance for a senior United Nations official to pay a visit to the occupied territories, including Jerusalem, to gather all relevant and necessary information on the illegal Israeli settlement activities in these territories, including the settlement project in Jebel Abu Ghneim.

Japan

[Original: English]

The Government of Japan respects resolution ES-10/2 and has endeavoured to revive the Middle East peace process by taking every opportunity to urge the parties concerned to make progress in the peace process. Some of Japan's recent efforts are as follows:

1. Prime Minister Ryutaro Hashimoto and Minister for Foreign Affairs Yukihiko Ikeda, in their respective meetings with the visiting Israeli Foreign Minister, Mr. David Levy, on 27 February 1997, expressed Japan's deep regret concerning the decision of the Government of Israel to construct housing in the Har Homa, or Jebel Abu Ghneim area of East Jerusalem.

2. Following the commencement of construction work by the Israeli Government in the Har Homa, or Jebel Abu Ghneim area of East Jerusalem, and the terrorist bombing in Tel Aviv, the Deputy Minister for Foreign Affairs conveyed Prime Minister Hashimoto's message to the Prime Minister of Israel and the President of the Palestinian Authority, urging that every effort should be made in order to salvage the peace process.

3. On 21 March 1997, the Government of Japan decided to extend emergency grant aid totalling 11 million dollars to assist the Palestinians, who are facing deteriorating economic conditions as a result of the closure of the West Bank and Gaza Strip by the Government of Israel.

Jordan

[*Original: English*]

1. In resolution ES-10/2, the international community has again condemned Israel's illegal actions in the Palestinian and the other Arab territories that it occupies by military force and that it subjugates through inhumane practices. The resolution, in essence, also calls on Israel to respect its own moral and legal obligations as a State Member of the United Nations and as an occupying power.

2. In view of the clarity of the resolution, and in view of the mandate given to the Secretary-General in paragraph 9 of the resolution, Jordan believes that the Secretary-General's involvement in and oversight of the situation in the occupied territories remain central to the overall drive to a peaceful and comprehensive resolution to the Israeli-Palestinian conflict and to the situation in the Middle East. In this vein, Jordan is of the view that the door is wide open for the Secretary-General to exercise the powers vested in his offices towards the implementation of the resolution in its entirety, in order to allow the peace talks to resume in the hope that the process will achieve the desired results of realizing the comprehensive and permanent peace in the region of the Middle East.

Netherlands

[*Original: English*]

The Permanent Representative of the Kingdom of the Netherlands in his capacity as representative of the Presidency of the European Union, submitted the following reply:

The European Union strongly disapproves of construction activities as undertaken by Israel to build a new settlement on the West Bank in Jebel Abu Ghneim/Har Homa. It reiterates that all settlement activities in the occupied territories contravene international law and are a major obstacle to peace. Settlement activities in territories under occupation by Israel constitute a violation of the Fourth Geneva Convention. These territories are not under Israeli sovereignty, and the European Union considers acquisition by force inadmissible. It has taken note with concern that construction in Jebel Abu Ghneim/Har Homa continues and that Israel has not yet complied with calls for its immediate suspension.

Norway

[*Original: English*]

Norway remains gravely concerned about Israeli settlement activities on the West Bank, including East Jerusalem. Such unilateral acts change the facts on the ground and threaten a very fragile peace process. Its Government has raised this issue with the Government of Israel on numerous occasions, underlining the need to stop any further settlement activities while final status negotiations are under way. Norway deeply regrets that Israel has not heeded calls from its partner in peace, from neighbouring States and from the international community to stop the construction on Jebel Abu Ghneim. Norway has repeatedly called on both sides to show restraint and to resume as soon as possible negotiations on outstanding issues and final status.

Russian Federation

[*Original: Russian*]

1. The Russian Federation reaffirms its support for resolution ES-10/2. It has repeatedly stated its official view that Israel's settlement activities in the occupied territories are illegal from the standpoint of international law and hinder the normal progress of the Middle East peace process. The renewed construction of settlements runs counter to the Palestinian-Israeli agreements barring changes in the status of the Occupied Palestinian Territory prior to the conclusion of negotiations.

2. As a co-sponsor of the peace process, the Russian Federation conveyed its opinion on the problem of Jebel Abu Ghneim to the Government of Israel, endeavouring to help to solve it in order to bring about the resumption of and progress in the Palestinian-Israeli negotiations. The Russian side intends to pursue active efforts to promote a normalized atmosphere in the context of a Middle East settlement and to create the conditions for revitalizing the peace process in all areas.

Saudi Arabia

[*Original: English*]

1. The Permanent Representative would first like to reiterate Saudi Arabia's position on this matter, as already stated at the tenth emergency special session of the General Assembly on 24 April 1997. Saudi Arabia continues to believe strongly that a just and balanced peace in the Middle East is an integral part of international peace and security.

2. Regrettably, the Government of Israel continues blatantly to violate the provisions of the Madrid Peace Conference and the Oslo accords with its persistence in proceeding with construction of settlements at Jebel Abu Ghneim in the Holy City of Jerusalem, as well as other parts of the Occupied Palestinian Territory. Its disregard for a just peace in the Middle East is evident from its recent policies, including its decision to proceed with illegal construction of settlements within 24 hours of the adoption of resolution ES-10/2 by the international community, which "demands immediate and full cessation of the construction in Jebel Abu Ghneim". To day, this illegal activity has not ceased.

3. The Government of Israel must be persuaded to respect fully its commitments under the Madrid Peace Conference and the Oslo agreement so that a genuine and just peace can be secured in the Middle East.

Tunisia

[*Original: French*]

1. The Permanent Representative of Tunisia wishes first of all to emphasize Tunisia's indestructible attachment to the international legal order and its respect for the spirit and letter of United Nations resolutions on the question of Palestine, particularly the provisions of General Assembly resolution ES-10/2.

2. Whereas the Oslo, Washington and Cairo accords raised hopeful prospects for a just and lasting peaceful solution leading to the establishment of an independent Palestinian State with Jerusalem as its capital, the new Israeli Government has embarked on a policy of colonization of the occupied Palestinian territories with the aim of creating situations of fait accompli on the ground. Despite the condemnation of such practices by the international community, it is regrettable to observe that Israel is continuing to pursue the construction of settlements in Jebel Abu Ghneim, East Jerusalem and the rest of the Occupied Palestinian Territory, in defiance of the provisions of General Assembly resolution ES-10/2 and the relevant provisions of the Fourth Geneva Convention of 12 August 1949, which prohibits making changes of a geographical nature in territories under foreign occupation.

3. Every effort should be made, therefore, to compel the Government of Israel to abide by the commitments which it made in the framework of the Madrid Conference and the Oslo accords and to comply with the international legal order with a view to the establishment of a just, comprehensive and lasting peace in the Middle East.

V. Reply from the Observer Mission of Palestine

28. The Permanent Observer of Palestine to the United Nations conveyed the following remarks.

(*a*) The Permanent Observer of Palestine emphasizes the importance of the tenth emergency special session, which was held to consider the illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory in the wake of the failure of the Security Council twice to adopt a resolution on those actions as a result of the negative vote of a permanent member of the Council;

(*b*) The Permanent Observer of Palestine emphasizes also the importance of resolution ES-10/2, overwhelmingly adopted by Member States of the United Nations. The resolution contains, *inter alia*, recommendations for collective measures to be taken by the members, in accordance with General Assembly resolution 377 A (V) of 3 November 1950 and reaffirms the established positions of the United Nations on illegal Israeli settlements and the question of the city of Jerusalem;

(*c*) The Permanent Observer of Palestine stresses the importance of the full implementation of resolution ES-10/2 by Member States, in particular operative paragraphs 7 and 8. With regard to operative paragraph 7, while there is no known Member State providing assistance to illegal Israeli activities in the Occupied Palestinian Territory, including Jerusalem, the activities of private groups in some Member States to that effect and the issue of the fungibility of money raise concerns that should be addressed;

(*d*) Operative paragraph 8 of resolution ES-10/2 stresses the obligation of the High Contracting Parties to the Fourth Geneva Convention, under article 1 of the Convention, to ensure respect by Israel, the occupying Power, of the Convention. It is accordingly expected that specific actions will be taken in this regard by the High Contracting Parties on a national as well as a regional level;

(*e*) Resolution ES-10/2 demands immediate and full cessation of the construction of Jebel Abu Ghneim and of all other Israeli settlement activities, as well as of all illegal measures and actions in Jerusalem. It is unfortunate to note that Israel, the occupying Power, has not heeded this demand and in fact it continues with such illegal measures and actions;

(*f*) Resolution ES-10/2 stresses the need to preserve the territorial integrity of all the Occupied Palestinian Territory and to guarantee the freedom of movement of persons and goods in the Territory, including the removal of restrictions into and from East Jerusalem, and the freedom of movement to and from the outside world. It is also unfortunate to note that Israel, the occupying Power, continues to violate the territorial integrity of the Palestinian territory and continues to impose all kinds of restrictions on the freedom of movement of persons and goods;

(*g*) Resolution ES-10/2 requests the Secretary-General to monitor the situation and to submit a report on the implementation of the present resolution, within two months of its adoption, in particular on the cessation of the construction of the new settlement in Jebel Abu Ghneim and of all other illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory. It is important to stress the necessity for the report to cover fully the issues specified in the mandate given to the Secretary-General;

(*h*) It would be useful, during the process of preparation of the report of the Secretary-General to have a special representative of the Secretary-General visit the area to gain first-hand experience, especially with regard to illegal Israeli actions and measures related to Jerusalem and illegal Israeli settlements throughout the Occupied Palestinian Territory. In any case, however, the United Nations is believed to have broad experience and information, available through several agencies and United Nations bodies, on the actual situation on the ground;

(*i*) The efforts of the membership during the tenth emergency special session and the efforts of the Secretary-General are indeed valuable in the attempt to salvage the Middle East peace process, which is being very seriously threatened by the Israeli failure to comply with the will of the international community, international law and the provisions of resolution ES-10/2, in addition to its serious violations of the agreements reached between the Palestine Liberation Organization and the Government of Israel in the framework of the Middle East peace process;

(*j*) Resolution ES-10/2 makes it clear that the tenth emergency special session adjourned temporarily and can be resumed to consider the report of the Secretary-General and, in case of Israeli non-compliance, to follow up the resulting serious situation in the Occupied Palestinian Territory and the Middle East as a whole. In such a case, the tenth emergency special session can consider making further recommendations within the framework of Chapters VI and VII of the Charter of the United Nations.

The Permanent Observer of Palestine stresses that international law should be upheld and the will of the international community must be heeded and no State should be allowed to behave otherwise.

DOCUMENT S/1997/495

Letter dated 26 June 1997 from the Secretary-General to the President of the Security Council

[Original: English]
[26 June 1997]

I have the honour to bring to your attention the attached letters addressed to me by the President of the Republic of the Congo, Mr. Pascal Lissouba, and the Secretary-General of the Organization of African Unity, Mr. Salim Ahmed Salim, on the question of the deployment of an inter-African force in Brazzaville.

I should be grateful if you would be kind enough to bring these letters to the attention of the members of the Security Council.

(Signed) Kofi A. Annan

ANNEX I

Letter dated 24 June 1997 from the President of the Congo to the Secretary-General

[Original: French]

I should like to recall our conversation and, more particularly, the information which I gave you about the risks of destabilization facing my country, in the light of which I requested your assistance at Harare.

The Congo therefore awaits with interest and impatience any action that might be taken in response to the request by the International Mediation Committee, headed by President Omar Bongo, Head of State of Gabon — a request which I firmly support — for the deployment of an inter-African peacekeeping force and, in particular, for:

— the securing of polling stations during the presidential elections;

— the decommissioning of weapons, particularly the neutralization of heavy weapons.

I am counting on the Security Council to respond promptly to this request and wish to convey to you the thanks of the entire Congolese people and the renewed assurances of my highest consideration.

(Signed) Pascal Lissouba

ANNEX II

Letter dated 23 June 1997 from the Secretary-General of the Organization of African Unity to the Secretary-General

[Original: English]

I have the honour to inform you that the Central Organ of the Organization of African Unity Mechanism for Conflict Prevention, Management and Resolution met this afternoon to consider the prevailing situation in the Republic of the Congo. The session especially focused on the need to maintain and consolidate the ceasefire in Brazzaville and to create conditions for a political solution to the crisis. In this respect, the Central Organ specifically considered the initiative of President Omar Bongo of the Republic of Gabon requesting the Security Council to authorize a speedy deployment of an inter-African force in Brazzaville.

I am sending you herewith a copy of the communiqué issued by the Central Organ at the end of its deliberations. As you would note, the Central Organ fully supported the request by President Bongo. In this connection, I wish to highlight especially the following paragraphs of the communiqué:

"*Reiterated* its appeal for the establishment and maintenance of a lasting ceasefire, and called on the parties to exercise maximum restraint.

"*Fully supported* the request by the President of Gabon on behalf of the International Mediation Committee for the Security Council to authorize the rapid deployment of an inter-African force in Brazzaville, and requested the Security Council to facilitate such a deployment without delay.

"*Appealed* to all African States, especially those with the relevant capability, to make available contingents which can serve as part of the proposed inter-African force, or provide logistical support for such a force.

"*Called on* the parties to the conflict to cooperate fully with the International Mediation Committee and with the force by, *inter alia*, committing themselves to a ceasefire and to a political solution to the dispute.

"*Requested* the Secretary-General of the Organization of African Unity and the Secretary-General of the United Nations to undertake urgent consultations within and outside Africa to ensure maximum support for the implementation of this initiative."

I should be grateful if you would bring the contents of the present letter and the attached communiqué to the attention of the President and members of the Security Council. I would further appreciate it if you would have them circulated as a document of the Security Council.

(Signed) Salim Ahmed Salim

ENCLOSURE

Communiqué issued by the thirty-fourth ordinary session of the Central Organ of the Organization of African Unity Mechanism for Conflict Prevention, Management and Resolution, at the ambassadorial level, held on 23 June 1997

The Central Organ of the Organization of African Unity (OAU) Mechanism for Conflict Prevention, Management and Resolution met at ambassadorial level, at Addis Ababa, on 23 June 1997 at 15.00 hours to examine the serious situation prevailing in the Republic of the Congo and the efforts deployed so far to resolve the crisis. The session was held under the chairmanship of Mr. T. A. G. Makombe, the Permanent Representative of Zimbabwe to the OAU and representative of the current Chairman.

The Central Organ was extensively briefed by the Secretary-General on the outcome of the recent meeting of the International Mediation Committee and the communication sent by Mr. El Hadj Omar Bongo, President of the Republic of Gabon, to the current Chairman of OAU and the Secretary-General, as well as to the President of the Security Council and the Secretary-General of the United Nations, on the situation in the Republic of the Congo, and, in particular, the request for the deployment of an inter-African force in Brazzaville. The Permanent Representative of the Republic of the Congo to OAU also apprised the session of the latest situation in his country.

At the end of its deliberations, the Central Organ:

Reiterated its appeal for the establishment and maintenance of a lasting ceasefire, and called on the parties to exercise maximum restraint.

Reaffirmed its full support for the efforts being made by the International Mediation Committee under the leadership of President Omar Bongo of the Republic of Gabon.

Fully supported the request by the President of Gabon on behalf of the International Mediation Committee for the Security Council to authorize the rapid deployment of an inter-African force in Brazzaville, and requested the Security Council to facilitate such a deployment without delay.

Appealed to all African States, especially those with the relevant capability, to make available contingents which can serve as part of the proposed inter-African force, or provide logistical support for such a force.

Called on the parties to the conflict to cooperate fully with the International Mediation Committee and with the force by, *inter alia*, committing themselves to a ceasefire and to a political solution to the dispute;

Requested the Secretary-General of the Organization of African Unity and the Secretary-General of the United Nations to undertake urgent consultations within and outside Africa to ensure maximum support for the implementation of this initiative;

Expressed deep appreciation to the humanitarian agencies for the work they are doing under extremely difficult circumstances, and appealed to the international community to extend urgent humanitarian assistance to all those in need;

Decided to remain seized of the crisis in the Republic of the Congo and requested the Secretary-General to continue to monitor very closely the developments in that country.

DOCUMENT S/1997/499

Letter dated 27 June 1997 from the representative of Nigeria to the President of the Security Council

[Original: English]
[27 June 1997]

I have the honour to forward, on behalf of General Sani Abacha, Head of State of the Federal Republic of Nigeria and Chairman of the Economic Community of West African States (ECOWAS), the text of the final communique, issued at the end of the meeting of the Foreign Ministers of ECOWAS on the situation in Sierra Leone, which was held at Conakry, Republic of Guinea, on 26 June 1997. I would be grateful if the text could be circulated as a document of the Security Council.

(*Signed*) Ibrahim A. GAMBARI
Permanent Representative of Nigeria to the United Nations

ANNEX

Final communique

1. At the initiative of General Sani Abacha, Head of State, Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria, Chairman of the Economic Community of West African States (ECOWAS), following the request of General Lansana Conte, President of the Republic of Guinea, and consultations with other Heads of State in the subregion, the Ministers for Foreign Affairs of ECOWAS States met at Conakry, Republic of Guinea, on Thursday, 26 June 1997. President Lansana Conte graciously accepted to host the meeting.

2. The following member States were represented:

— Republic of Benin
— Burkina Faso
— Republic of Côte d'Ivoire
— Republic of the Gambia
— Republic of Ghana
— Republic of Guinea
— Republic of Guinea-Bissau
— Republic of Liberia
— Republic of Mali
— Republic of the Niger
— Federal Republic of Nigeria
— Republic of Senegal
— Republic of Sierra Leone
— Togolese Republic

3. A delegation from the Organization of African Unity (OAU), led by Mr. Salim Ahmed Salim, Secretary-General, was also in attendance.

4. The meeting was opened by General Lansana Conte, President of the Republic of Guinea.

5. The meeting reviewed the situation in Sierra Leone since the *coup d'état* of 25 May 1997.

6. The Ministers for Foreign Affairs exchanged views on the situation in Sierra Leone and its consequences on peace and security in the subregion.

7. They explored ways and means for achieving a speedy restoration of constitutional order in Sierra Leone.

8. The Ministers for Foreign Affairs agreed that as far as Sierra Leone is concerned, the following objectives should be pursued by ECOWAS: early reinstatement of the legitimate government of President Ahmed Tejan Kabbah, the return of peace and security and the resolution of the issues of refugees and displaced persons.

9. Therefore, the Ministers:

(i) Reaffirmed the decision made in Harare by the Heads of State and Government at the thirty-third summit meeting of OAU on the situation in Sierra Leone;

(ii) Reaffirmed the support of ECOWAS for the Abidjan peace accord signed on 30 November 1996;

(iii) Stressed that no country should grant recognition to the regime that emerged following the *coup d'état* of 25 May 1997, and to work towards the reinstatement of the legitimate government by a combination of three measures, namely, dialogue, imposition of sanctions and enforcement of an embargo and the use of force.

10. In order to increase the effectiveness of the above measures, the Ministers for Foreign Affairs recommended prior consultations among member States at the highest level.

11. The Ministers for Foreign Affairs deplored the bloodletting and other human losses that occurred during the *coup d'état* of 25 May 1997. They warned the illegal regime against all acts of atrocities against Sierra Leonean citizens, foreign nationals living in Sierra Leone and personnel of the Economic Community of West African States Monitoring Group (ECOMOG).

12. In order to ensure the implementation of decisions resulting from the recommendations of their meeting, they established a committee made up of Nigeria, Guinea, Côte d'Ivoire and Ghana, to be joined by the representatives of the OAU and ECOWAS secretariats.

13. The session submitted its report to the President of the host country and directed the Committee to convey to the Chairman of ECOWAS the results of their deliberations. The Committee also was entrusted with the task of monitoring developments in Sierra Leone and the implementation of the measures adopted, with a view to achieving the above-mentioned objectives. Within two weeks of this date the Committee shall return to the Chairman of ECOWAS and brief him on the outcome of their efforts.

14. The Ministers for Foreign Affairs called on the international community to support the ECOWAS initiative on Sierra Leone.

15. The meeting appealed to the international community to give emergency aid and assistance to the Republic of Guinea and other countries of the subregion affected by the problem of refugees.

16. The Ministers for Foreign Affairs expressed deep gratitude to His Excellency General Lansana Conte, President of the Republic of Guinea, and to the Government and people of Guinea for the hospitality extended to them, and for the facilities put at their disposal.

Done in Conakry, 26 June 1997.

The Ministers for Foreign Affairs

NOTES

[1] A/51/763/Add.1.

[2] A/52/95.

[3] A/51/508/Add.3.

[4] A/51/405/Add.2.

[5] A/51/543.

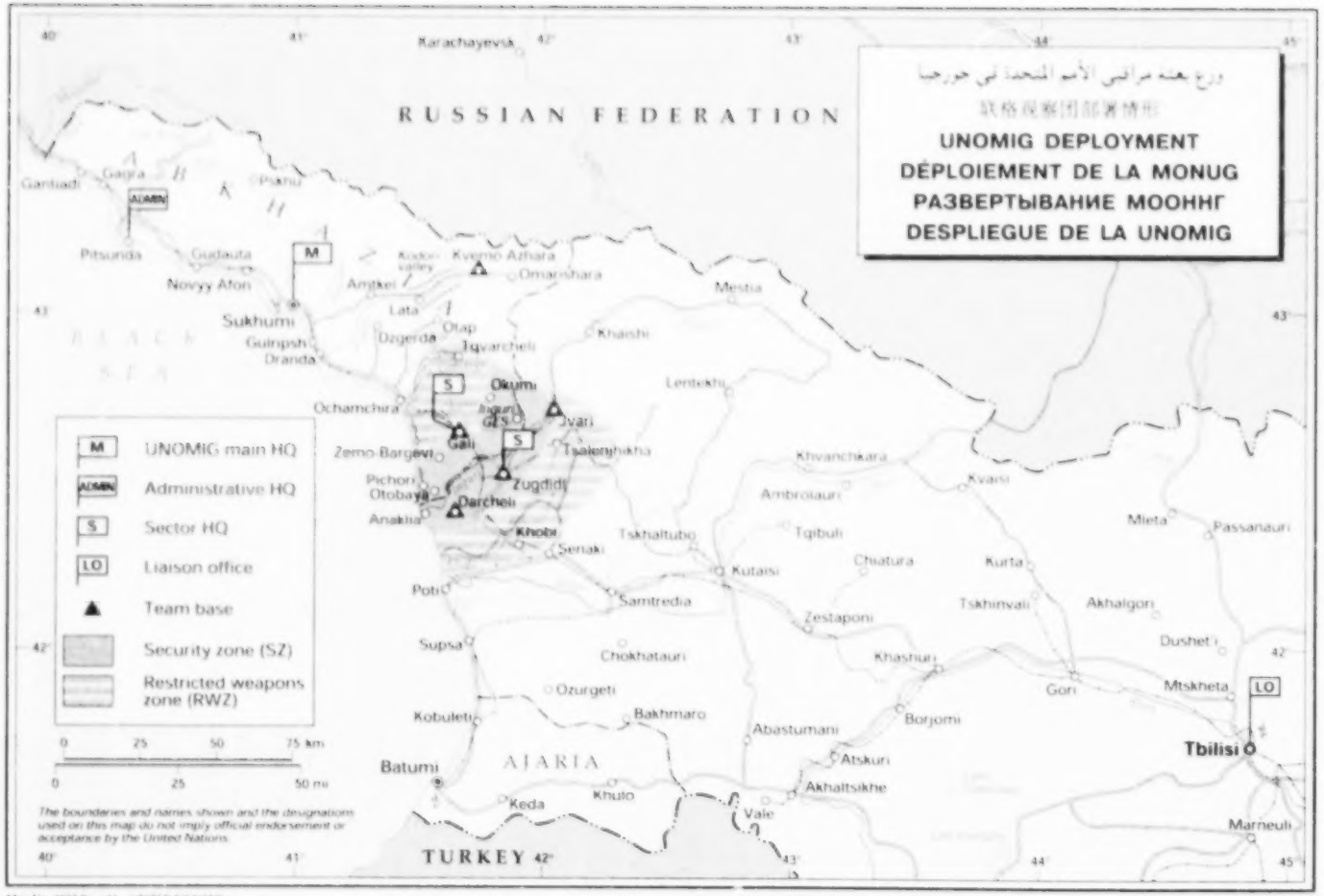
[6] A/51/784/Add.2.

[7] In addition to these expenditures, funds under this account will be utilized to reimburse the account for purchase of humanitarian supplies for central and southern Iraq, for food and medicine delivered to the three northern governorates under the bulk purchase arrangement with the Government of Iraq.

[8] Since renamed United Nations Verification Mission in Guatemala (MINUGUA).

[9] A/51/755/Add.1.

[10] A/51/504/Add.2.



Map No. 3837 Rev. 12 UNITED NATIONS
April 1997 (B&W)

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Map No. 3691 Rev. 13 UNITED NATIONS
May 1997 (E&M)
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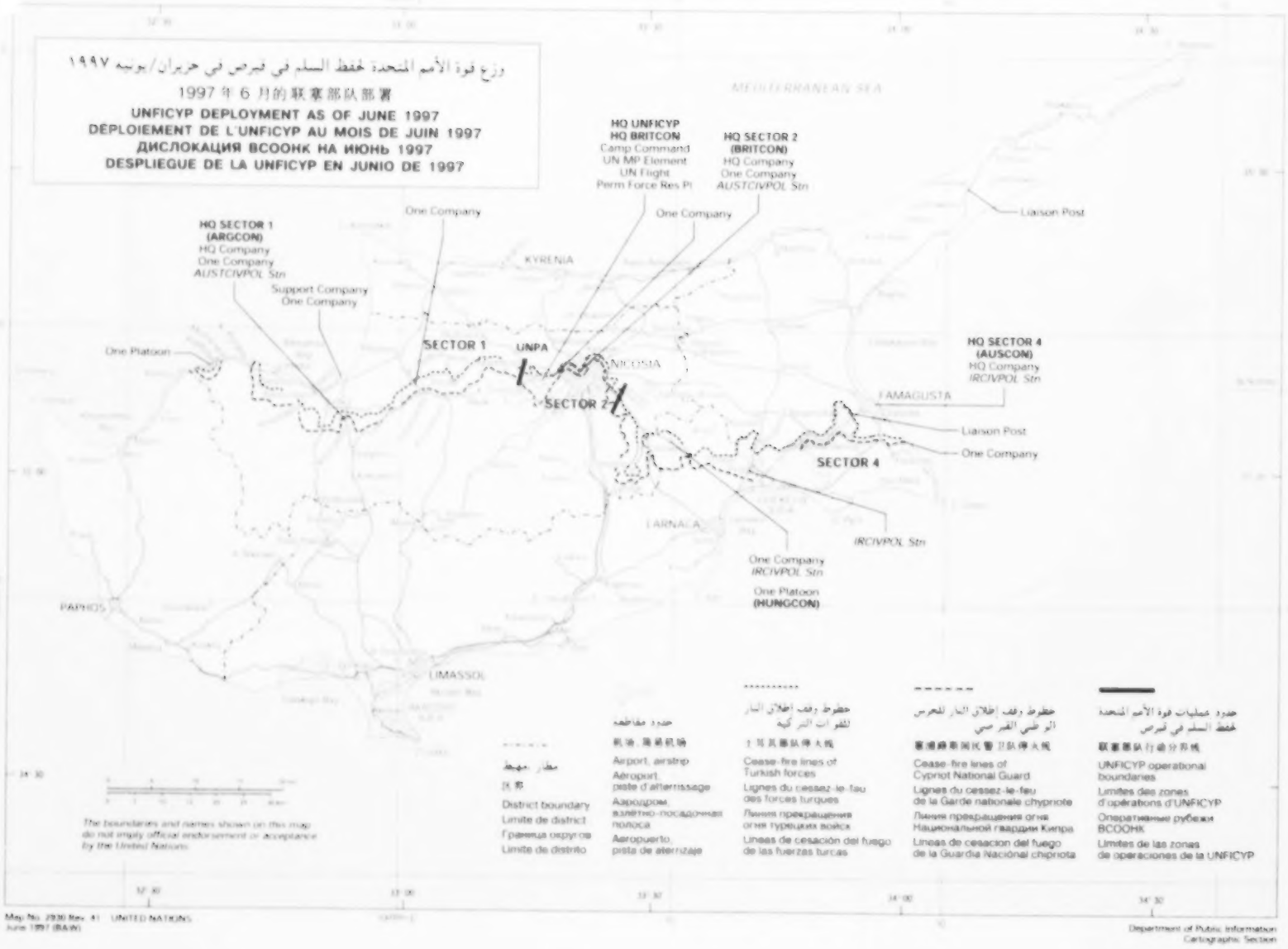
LEBANON
SYRIAN
ARAB
REPUBLIC
GOLAN
HQ UNDOF
AUSBATT
LOG LOGBATT DET
HQ OGS
MP "B"
POLBATT
LOG LOGBATT
CANCON
JAPCON
MP "A"
MP DEPT "C"
UNDOF DEPLOYMENT AS OF MAY 1997
DEPLOIEMENT DE LA FNUOD AU 9KDB DE MAI 1997
ДИСЛОКАЦИЯ СООНРР ПО СОСТОЯНИЮ НА МАЙ 1997
DESPLIEGUE DE LA FNUOS EN MAYO 1997


توزع قوة الأمم المتحدة لحفظ السلام في قبرص في حزيران/يونيه ١٩٩٧
1997年6月的联塞部队部署
UNFICYP DEPLOYMENT AS OF JUNE 1997
DÉPLOIEMENT DE L'UNFICYP AU MOIS DE JUIN 1997
ДИСЛОКАЦИЯ ВСООНК НА ИЮНЬ 1997
DESPLIEGUE DE LA UNFICYP EN JUNIO DE 1997
MEDITERRANEAN SEA
HQ UNFICYP
HQ BRITCON
Camp Command
UN MP Element
UN Flight
Perm Force Res Pl
One Company
HQ SECTOR 2
(BRITCON)
HQ Company
One Company
AUSTCIVPOL Stn
Liaison Post
HQ SECTOR 1
(ARGCON)
HQ Company
One Company
AUSTCIVPOL Stn
Support Company
One Company
One Company
KYRENIA
One Platoon
SECTOR 1
UNPA
NICOSIA
SECTOR 2
HQ SECTOR 4
(AUSCON)
HQ Company
IRCIVPOL Stn
FAMAGUSTA
Liaison Post
One Company
SECTOR 4
LARNACA
IRCIVPOL Stn
One Company
IRCIVPOL Stn
One Platoon
(HUNGCON)
PAPHOS
LIMASSOL
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حدود مقاطعة
District boundary
Limite de district
Граница округа
Límite de distrito
مطار، مهبط
机场，简易机场
Airport, airstrip
Aéroport, piste d'atterrissage
Аэродром, взлётно-посадочная полоса
Aeropuerto, pista de aterrizaje
خطوط وقف إطلاق النار للقوات التركية
土耳其部队停火线
Cease-fire lines of Turkish forces
Lignes du cessez-le-feu des forces turques
Линия прекращения огня турецких войск
Líneas de cesación del fuego de las fuerzas turcas
خطوط وقف إطلاق النار للحرس الوطني القبرصي
塞浦路斯国民警卫队停火线
Cease-fire lines of Cypriot National Guard
Lignes du cessez-le-feu de la Garde nationale chypriote
Линия прекращения огня Национальной гвардии Кипра
Líneas de cesacion del fuego de la Guardia Nacional chipriota
حدود عمليات قوة الأمم المتحدة لحفظ السلام في قبرص
联塞部队行动分界线
UNFICYP operational boundaries
Limites des zones d'opérations d'UNFICYP
Оперативные рубежи ВСООНК
Límites de las zonas de operaciones de la UNFICYP
May No. 2930 Rev. 41 UNITED NATIONS
June 1997 (BAW)
Department of Public Information
Cartographic Section

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SIERRA LEONE
GUINEA
CÔTE D' IVOIRE
UNOMIL
Deployment as of June 1997
Mission Headquarters
Disarmament site
Regional boundary
International boundary
County boundary
National capital
County capital
Region
Western Region
Northern Region
Eastern Region
Monrovia
Voinjama
Kolahun
Zorzor
Saniquellie
Gbarnga
Buchanan
River Cess
Greenville
Harper
Department of Public Information
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